

PLANNING COMMITTEE AGENDA

Tuesday, 12 February 2019 at 07:15pm

**Council Chamber, Braintree District Council, Causeway House, Bocking
End, Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
www.braintree.gov.uk

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor K Bowers	Councillor Lady Newton
Councillor Mrs L Bowers-Flint	Councillor Mrs I Parker
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor Mrs G Spray (Vice-Chairman)
Councillor S Kirby	Vacancy
Councillor D Mann	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration and Speaking on a Planning Application/Agenda Item

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee Meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

The order in which registered speakers will be invited to speak is: members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

Documents: There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

WiFi: Public Wi-Fi (called BDC Visitor) is available in the Council Chamber; users are required to register when connecting.

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Mobile Phones: Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to governance@braintree.gov.uk

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 29th January 2019 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications and to agree whether the more minor applications listed under Part B should be determined “en bloc” without debate.

Where it has been agreed that the applications listed under Part B will be taken “en bloc” without debate, these applications may be dealt with before those applications listed under Part A.

PART A

Planning Applications

5a	Application No. 18 01442 OUT - Land West of Hill House, Brent Hall Road, FINCHINGFIELD	6 - 30
5b	Application No. 18 01443 OUT - Land West of Hill House, Brent Hall Road, FINCHINGFIELD	31 - 55
5c	Application No. 18 01846 FUL - The Red Lion, 8 Church Street, STEEPLE BUMPSTEAD	56 - 67
5d	Application No. 18 01970 FUL - Wavers Farm, Blackmore End, WETHERSFIELD	68 - 83

PART B

Minor Planning Applications

5e	Application No. 18 01845 FUL - Newberries House, High Street Green, SIBLE HEDINGHAM	84 - 92
5f	Application No. 18 01909 FUL - 9-11 High Street, HALSTEAD	93 - 100
5g	Application No. 18 01910 LBC - 9-11 High Street, HALSTEAD	101 - 106
5h	Application No. 18 01911 ADV - 9-11 High Street, HALSTEAD	107 - 115

6 Urgent Business - Public Session

To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

7 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

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8 Urgent Business - Private Session

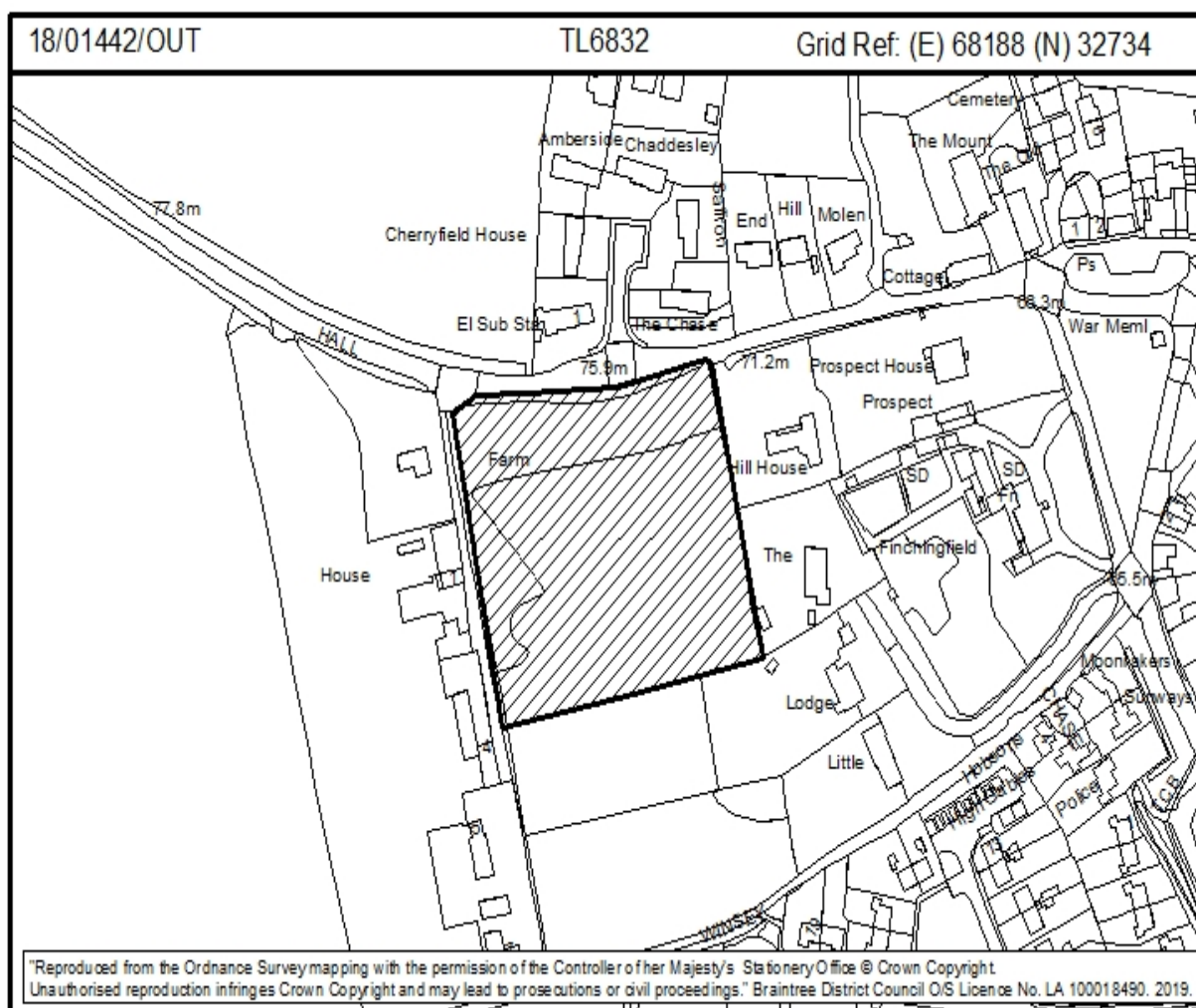
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO:	18/01442/OUT	DATE VALID:	10.08.18
APPLICANT:	Mr Harding C/O Phase 2 Planning & Development		
AGENT:	Mr Stuart Willsher 250 Avenue West, Braintree, CM77 7AA		
DESCRIPTION:	Outline planning permission, with all matters reserved for the erection of 10 dwellings		
LOCATION:	Land West Of Hill House, Brent Hall Road, Finchingfield, Essex		

For more information about this Application please contact:
 Juliet Kirkaldy on:- 01376 551414 Ext. 2558
 or by e-mail to: juliet.kirkaldy@braintree.gov.uk



SITE HISTORY

00/00012/REF	Erection of 8 detached 4 bedroomed houses	Appeal Withdrawn	06.04.00
95/00354/FUL	Erection of a christian centre	Refused	18.07.95
99/01779/OUT	Erection of 8 detached 4 bedroomed houses	Refused	17.02.00
18/01443/OUT	Outline planning permission, with all matters reserved for the erection of 16 dwellings	Pending Decision	

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP71	Landscape Character and Features
LPP72	Green Buffers
LPP78	Flooding Risk and Surface Water Drainage
LPP80	Sustainable Urban Drainage Systems

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation at the request of the Chairman and Vice Chairman of the Planning Committee.

SITE DESCRIPTION

The application site comprises a vacant field, located on the southern side of Brent Hall Road, to the west of Finchingfield with a site area of approximately 1.05ha. The site is situated outside of the defined development boundary for Finchingfield. Along Brent Hall Road the site is bounded by planting. There are residential properties abutting the eastern boundary of the site, with agricultural barns to the west (permission granted in 2018 for conversion to residential). The site is situated within the designated Conservation Area for Finchingfield.

PROPOSAL

This application seeks outline planning permission with all matters reserved for the erection of 10 dwellings.

A separate application has been submitted which seeks outline planning permission with all matters reserved for 16 dwellings (application reference 18/01443/OUT). This application is also being reported to Planning Committee for determination.

A previous application (99/01779/OUT) for a similar character of development was refused.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward.

The application is supported by a suite of documents:

- Planning Statement
- Design and Access Statement
- Environmental Statement
- Heritage Statement
- Transport Statement
- Flood Risk Assessment
- Arboricultural Impact Assessment
- Archaeological Report
- Statement of Community Involvement
- Landscape and Visual Assessment
- Protected Species Survey

CONSULTATIONS

Essex Police Architectural Liaison – No apparent concerns with the proposed layout, however, to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. However it has been noted what appears to be bollard lighting in one the artist impressions of the shared drive. Bollard lighting is does not project sufficient light at the right height and distorts the available light due to the up-lighting effect; making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

NHS England – Due to the low number of dwellings we do not wish to raise an objection to this development or request mitigation.

BDC Ecology – No objection subject to securing biodiversity mitigation and enhancement measures.

Natural England – No comment.

BDC Waste – No comment.

BDC Environmental Health – No objection subject to conditions relating demolition, site clearance and construction to minimise disturbance to nearby residents.

ECC Highways – No objection subject to conditions relating to completion of site access, the provision and implementation of a Residential Travel Information Pack per dwelling, at the site frontage from the access, to the East only a minimum 2 metre footway.

Note: The Highway Authority have removed the request for a 2 metre wide pavement following concerns raised by the Historic Buildings and Conservation Consultant.

ECC Sustainable Urban Drainage Team – No objection subject to conditions relating to submission of a detailed surface water drainage scheme for the site, submission of a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system, maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

BDC Landscape Services – The strong sense of enclosure of the site is afforded mainly by the presence of a robust hedgerow growing along Brent Hall Road. The future retention of this key landscape feature can only be guaranteed if the hedge is located on public open space. Concern regarding layout to the north west of the site and proximity of dwelling no 1 which will put this hedge under pressure to be cut back or removed. A large buffer should be created. A more balanced mix of species to provide an efficient screening during the winter is suggested. Concern about proximity of dwellings to the

boundaries, as it will put vegetation under pressure of severe reduction and/or removal as a result of overshadowing, physically blocking views/circulation or subsidence. A Landscape Plan and Management Plan reflecting comments raised should be submitted.

Historic Building Consultant – Objection. The site of the proposed development is an open agricultural field within the Finchingfield Conservation Area. As noted within the applicants Heritage Statement, the site at present makes a positive contribution to the character and appearance of the Conservation Area by virtue of its rural character. This rural character makes a valuable contribution to how we are able to experience and interpret the Conservation Area, most noticeably as we approach from the west transitioning from traditional open countryside and down into the valley where the settlement core is situated. Long distance views of the Church on approach into Finchingfield from the west have been intruded upon by twentieth century development, however the application site has retained its agrarian character. The site is considered of great value to the Conservation Area through its contribution as to how we experience the transition from open rural landscape and into the historic village core which is secluded from its wider setting outer landscape. The site preserves and reinforces the legibility of the valley which development has historically been confined. The presence of development on the site will cause harm to Conservation Area by extending the residential sprawl of development beyond the valley and altering how we transition from agrarian landscape into the historic core. The harm is cumulative to that twentieth century development to the north of the site. Although the retention of hedging and setting development away from highway will reduce prominence it will still intrude into views and alter the character of the area which should denote the village's historic limits. Concern regarding Highway Authority request for a 2 metre wide pavement as this will potentially alter the character of the area and consequently the level of harm caused. It is noted despite landscaping measures the development will be conspicuous in winter and in the evenings as a result of light pollution associated with development. The proposal would have adverse impact upon the Conservation Area and the character and appearance of which it would fail to preserve or enhance. The harm identified to the Conservation Area as a heritage asset is less than substantial and therefore should be weighed against any public benefits which may arise.

REPRESENTATIONS

Finchingfield Parish Council – Objection. The site is outside of the village envelope. There is no footpath into the village and the road narrows as it enters the village. This could create a dangerous situation if pedestrian and vehicular traffic were increased due to housing development.

The application was advertised by way of a site notice, in the local press as a Departure from the provisions of the Development plan and neighbour notification. 4 objections and 3 comments of support (including 1 support from Finchingfield Primary School) were received. In summary the following comments were made:

- **Highways and traffic**
- This is a fast and narrow road
- There are no street lights
- There is no pavement for pedestrians or refuge on the road
- Can the developer provide a pavement?
- Tourist parking occurs near the site in the summer months restricting the line of sight
- The development would cause an increase in car movements into the towns and cities
- The access proposed is too close to the existing access at The Chase
- There are more suitable sites for development closer to main roads

- **Services and facilities**
- There are electric wires that transverse the site – has this been considered?
- The increased pressure on the sewerage system which already have undersized pipes
- The school is full and cannot expand
- The doctors surgery cannot cope
- (A representative of Finchingfield Primary School) there are only a small number of children currently on our roll. The village is in need of new housing to bring families. An increase in intake would make a significant difference.

- **Design and layout**
- The density is out of keeping with neighbouring properties
- Thoughtful development that will enhance the area and provide homes for families
- The developer has listened to our concerns from the consultation process and adapted the plan to address our concerns regarding overlooking.

- **Neighbouring amenity**
- The development will have a detrimental impact on privacy
- Concern regarding noise and disturbance and light pollution
- Proposal is contrary to Human Rights Act. It will have a dominating impact on our right to a quiet enjoyment
- Proposed public area would further erode our privacy

- **Hedgerow/trees**
- Why can't the existing access to the site be used to avoid removal of mature trees
- Part of ancient hedgerow has already been removed
- The ongoing maintenance of hedge is a concern
- Trees and hedges have already been removed prior to application being submitted

- **Flooding**
- Flooding is already a problem in the village. The elevated site and development of a field into concrete would increase the problem.
- **Public Consultation Process (by the applicant)**
- Information was misleading and inaccurate
- Houses nearest to the site did not receive an invitation to public exhibition
- **Other**
- Development could set a precedent for future development
- Previous applications on the site for a similar character of development have been refused
- Concern regarding hours of construction and movement of construction vehicles

REPORT

PRINCIPLE OF DEVELOPMENT

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary

delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011).

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is not proposed for allocation for development in the emerging Draft Local Plan. The proposed development is therefore contrary to the Draft Local Plan, in particular Policy LPP1 of the Draft Local Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The proposed development is therefore considered to be contrary to the Development Plan and the emerging Draft Local Plan.

5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following

best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications (the last update was June 2018). Based on these assessments, the Council within both Committee and Delegated reports, acknowledged that it was unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) was engaged.

Following the publication of NPPF2 in July 2018, by applying paragraph 73 to its supply, the revised March 2018 Housing Land Supply update published on 19th October 2018 indicated a 5.83 years' supply. This position was however not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the new

NPPF. Subsequently, the Council published the 2018 Annual Monitoring Report on 15th January 2019 which demonstrates a 6.00 years' supply.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Consideration of the site through 'call for sites' process

The proposed site was submitted for consideration for residential use during the 'call for sites' process as part of the emerging Local Plan (site reference: FINC 235).

The site was considered for allocation at Local Plan Sub-Committee held on 16th March 2016. The officer report stated that, '*FINC235 – This site has been considered previously. It is being proposed for residential use of up to 20 dwellings. The site would be accessed from the B1053 Brent Hall Road. This is a single lane between the village centre and the site, but increases in size to a single carriage at the site entrance. The site is within the Conservation Area but some distance from the historic centre of the village, and would be unlikely to have a significant impact on the character and appearance of the wider historic area. The site is currently well screened. Given the size of the village, its overall historic character, and the local road network, a larger scale development may not be appropriate.*

The Sustainability Appraisal report also considered that the site would have a potential negative impact on the historical environment and heritage assets within the vicinity. The Local Plan Sub Committee agreed with the officer recommendation that the site should not be allocated for residential development.

Location and Access to Services and Facilities

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic. These roles should not be considered in isolation, because they are mutually dependent.

The development will undoubtedly bring both social and economic benefits, albeit relative to the scale of the development. The development will provide housing and also affordable housing. In addition the development would provide benefits during the construction stage and thereafter with additional residents supporting the services/facilities within nearby towns/villages.

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

The strategy set out in the Publication Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

In the Publication Draft Local Plan Finchingfield is classed as a 'Second Tier' village. The Plan states in paragraph 5.9 that: 'Second tier villages are those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Villages. Development of a small scale may be considered sustainable within a second tier Village, subject to the specific constraints and opportunities of that village'.

Overall it is considered that the site is located in a sustainable location on the edge of Finchingfield which provides a limited range of community facilities and services. Finchingfield has; public houses; Post Office; tea rooms; a hall; a primary school; and a doctor's surgery. There is an hourly bus service into the main town of Braintree. Given the location of the site, it is not isolated and would not conflict with the requirements of Policy CS7 of the Adopted Core Strategy and this weighs in favour the proposal in the overall planning balance.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to buildings or land in a Conservation Area and states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Policies RLP90 and RLP95 of the Adopted Local Plan and Policies LPP56 and LLP60 of the Draft Local Plan seek to conserve the character and appearance of Conservation Areas, this includes the views into, out from and within the constituent parts of designated areas. Policy CS9 of the Adopted Core Strategy requires developers to respect and respond to the local context particularly where proposals affect the Conservation Area.

The NPPF recognises that heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm or loss requires clear and convincing justification with great weight given to the asset's conservation – the more important the asset, the greater the weight should be given. Accordingly, the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. A Heritage Statement has been submitted with the application.

As concluded in the Heritage Statement submitted by the applicant, 'No harm has been found to the character and appearance of the Conservation Area and this is principally because the site, as existing, is not of any particular quality in its own right. It has been acknowledged within this Statement that the site does contribute positively to the Conservation Area and this is principally because it is an area of open land, which appears to be the primary reason for its inclusion within the Conservation Area. Although the proposals introduce development onto the site, that development is bespoke, high quality and modest in scale. In addition, landscaping has played an integral role in the development of the proposals and a substantial green buffer/open space has been maintained to the north along Brent Hall Road to ensure that glimpsed views still remain open and of green space rather than buildings. As such, and although the nature of the site will change (from open to developed land) it will not change in terms of its contribution. The new development is considered sensitive to the surroundings, does not amount to over-development, maintains a substantial green buffer and puts landscaping and planting at the forefront of the scheme'.

Finchingfield Conservation Area was subject to a review in 2009 which included an extension which encompassed the application site plus adjacent buildings. The reason for this is set out in the 2009 report (produced by Scott Wilson) and states the following: *"Great Wincey farm and the fields between the farm and the existing western boundary of the Conservation Area are to be included within the Conservation Area. The mature trees to the eastern edge and along the drive are significant having a positive impact on the Conservation Area. The buildings are historic and demonstrate a clear relationship with other buildings within the existing Conservation Area"*.

The Landscape Visual Appraisal submitted by the applicant states in paragraph 5.24 (Landscape Context) 'The importance of Finchingfield as a renowned historic village with considerable attractive qualities, recognised by the tourism it draws, may also drive a higher valuing for its rural context. Finchingfield retains a compact village form and distinct place in the folds of the surrounding landscape, with relatively few modern additions. These qualities and the relationship with its relatively attractive rural setting and approaches to the village might fairly be taken as indicators of high landscape value in general terms for the areas directly around Finchingfield'.

The consultation response from the Historic Buildings and Conservation Consultant notes that the site of the proposed development is an open agricultural field within the Conservation Area and by virtue of its rural character it makes a positive contribution to the character and appearance of the Conservation Area. This rural area makes a valuable contribution to how the Conservation Area is experienced and interpreted and most notably from the western approach transitioning from traditional open countryside down into the valley where the settlement core is situated. The site allows the experience of glimpsed views of the village centre from a character area defined by the open rural landscape rather than residential. The site preserves and reinforces the legibility of the valley within which development has historically been confined. The presence of residential development upon this

site will cause harm to the Conservation Area by further extending the residential sprawl of the settlement beyond the valley, altering the transition from agrarian landscape into the historic core.

As a result the proposed development would have an adverse impact upon the views into and out of the Finchingfield Conservation Area.

Officers have therefore concluded that the scheme fails to make a positive contribution to local character and distinctiveness (NPPF Paragraph 192). For the purposes of this assessment this harm is considered to represent less than substantial harm to the Conservation Area. The local planning authority are therefore required to weigh this harm against the public benefits of the proposal (NPPF Paragraph 196) and consider whether there is clear and convincing justification for the harm (NPPF Paragraph 194).

The proposal would result in a number of benefits which would weigh in favour of the proposed development.

In terms of economic and social sustainability, the development would deliver public benefits including 10 market homes, making a contribution towards the Council's housing land supply. It is acknowledged that the application site is located in a sustainable location, in close proximity to the services and facilities of Finchingfield.

It is also recognised that there would be economic benefits during the construction process and after the occupation of the dwellings through residents using local facilities. These benefits are application to housing development generally and given the scale of the development these benefits should only be given moderate weight.

Against these benefits, the proposed development would have an adverse impact upon Finchingfield Conservation Area. Although it is considered that the level of harm would be less than substantial harm in this case. However the cumulative harm to the above heritage assets must be considered holistically as widespread harm upon the historic environment further to that upon the Conservation Area.

In these terms, the harm to designated heritage assets is considered to outweigh the public benefits of the development.

Design, Appearance and Layout

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history,

including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities), and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policy CS9 of the Adopted Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development'.

Policy RLP9 of the Adopted Local Plan requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 of the Adopted Local Plan considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek a high standard of design and layout.

Policy LLP50 of the Draft Local plan states that the Council will promote and secure the highest possible standards of design and layout in all new development.

The Council has adopted the Essex Design Guide (2005) as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The matters of layout, scale and appearance of the dwellings are reserved for later approval and are not therefore for consideration at this stage. The layout provided is indicative only and would need to be carefully considered at the reserved matters stage.

Notwithstanding this, an indicative layout has been provided which shows one way by which the site could be developed. The indicative plan demonstrates, that the site would be able to accommodate 10 houses though a cul de sac form of development. An area of public open space is proposed to the north east of the site abutting Brent Hall Road. 6 detached properties are proposed with a terrace of 4 dwellings fronting onto the proposed area of public open space. The indicative elevations submitted appear to show a mixture of heights proposed ranging from 1.5 storey (for terraced dwellings) to 2/2.5 storey for the detached dwellings.

The indicative layout indicates the provision of two car parking spaces for each dwelling which accords with the Essex Vehicle Parking Standards 2009. The proposed provision of amenity space is not specified on the indicative layout, however, it has been measured by officers and the proposed detached dwellings would appear to exceed the minimum 100 sqm as stated in the Essex Design Guide 2005. The garden area for the terraced dwellings is approximately 20sqm and would not accord with the Essex Design Guide which indicates a provision of 50 sqm garden sizes for one and two bedroom houses.

Whilst, the site would appear able to accommodate 10 dwellings, the proposed layout would not be in keeping with the prevailing pattern of existing development within the locality which is primarily a linear form. Although there is a modern cul de sac development adjacent to the site this is situated outside of the designated Conservation Area.

In summary, the proposed development by virtue of its indicative layout would be out of keeping with the existing pattern of development in the area. It is however acknowledged that the application is in outline form, with all matters reserved. However, the development of this site would contribute to the cumulative impact with the existing development in having an urbanising effect in this rural entrance into Finchingfield and would have a detrimental impact upon the character and appearance of the area.

Affordable Housing

The Adopted Core Strategy refers in Policy CS2 to the provision of '40% affordable housing on sites in rural area. A threshold of 5 dwellings or 0.16ha in rural areas'.

The Planning Statement submitted in support of the application refers in paragraph 9.60, 'The Applicant is committed to providing a policy compliant level of provision which will deliver 4 affordable dwellings. The applicant is also committed to provide a policy compliant tenure at 70:30 social rent to shared ownership, to meet the need of the District'.

The proposal accords with the policy.

Public Open Space

The submitted indicative plan shows an area of public open space abutting Brent Hall Road to the north east of the site.

Policy CS10 of the Adopted Core Strategy states that the Council will ensure there is a good provision of high quality and accessible green space. New developments are required to make provision for public accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space Supplementary Planning Document sets out further details on how these standards will be applied. A

development of this size would not be required to provide onsite open space or a financial contribution towards open space provision.

The Braintree District Council Open Spaces Action Plan sets out a list of outline proposals for the provision and enhancement of open spaces in Braintree District. Its purpose is to demonstrate the need for the provision and enhancement of open spaces and to enable Council officers to demonstrate where financial contributions being sought from developers under the Open Spaces Supplementary Planning Document will be spent. The Open Spaces Action Plan for 2018 refers to improvements to the existing playing fields and at land off Stephen Marshall Road. There is no reference made to the need to provide more public open space in Finchingfield.

Landscape and Visual Impact

Policy CS8 of the Adopted Core Strategy requires development to have regard to the character of the landscape and its sensitivity to change. Where permitted it would need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. The Landscape Character Assessment was undertaken in 2006 and formed part of the evidence base for the Adopted Core Strategy and the emerging Publication Draft Local Plan.

A Landscape Visual Appraisal has been submitted with the application which concludes that, 'Although Finchingfield is a sensitive rural village, this development proposal is not found likely to bring about any notable harms to the positive attributes and attractive qualities of this village or its setting. Accordingly, landscape and visual issues should not be an impediment to the planning prospects of this development proposal'.

The site is situated within character area 'B9 Stambourne Farmland Plateau'. Key Characteristics of this landscape character area include:

'Relatively open gently undulating arable land.

- Predominantly agricultural land bounded by species rich hedgerows with trees and ditches.*
- Narrow country lanes bounded by grass verges and ditches dissect the fields.*
- Lines of pylons dissect the open landscape.*
- Wethersfield Airfield dominates the views in the south-eastern area'.*

The suggested landscape planning guidelines for this character area include:

- 'Consider the visual impact of new residential development and farm buildings on the open arable landscape.*
- Ensure that any new development is small scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.*

- *Develop strategies to reduce the impact of tourist traffic and coaches during peak periods’.*

The suggested Land Management Guidelines for this character area include:

- *‘Develop strategies to reduce potential for pollution in ditches and streams bounding the fields.*
- *Conserve and enhance the existing field boundary pattern, and strengthen where necessary through planting native species appropriate to local landscape character.*
- *Conserve and manage areas of ancient and semi-natural woodland as important historical, landscape and nature conservation features.*
- *Conserve and manage the ecological structure of woodland, copses and hedges within the character area.*
- *Conserve and promote the use of building materials in keeping with local vernacular landscape character’.*

The submitted application is for 10 dwellings and therefore is considered as ‘major’ development. The landscape guidance contained in the Landscape Character Assessment indicates that this landscape character area is not appropriate for major new development and such proposals should be ‘small scale’ taking into account the impact upon views from the open countryside, and ensure that new development is small scale and responds to the historic settlement pattern.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan requires no undue or unacceptable impact on the amenity of any nearby residential properties.

The layout of the development is a matter for consideration at the reserved matters stage, however an illustrative layout plan has been submitted for information. It is indicated that the dwellings would be two storey and given the indicative positioning & separation with neighbouring properties Officers are satisfied that the site is capable of accommodating 10 dwellings without giving rise to detrimental impacts upon neighbouring residential amenity. However, as noted above, there are concerns relating to the proposed layout being out of keeping with the prevailing pattern of existing development.

Highway Issues

Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

With the National Planning Policy Framework in mind, particularly Paragraph 109, the Highway Authority has reviewed the planning application and

supporting Transport Assessment against its own Development Management Policies to ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity and to ensure as far as possible the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

A 6 metre wide narrow shared surface roadway is proposed access into the site on the indicative layout. It was noted from the Officer Site visit that Brent Hall Road is narrow.

Having reviewed the Transport Assessment, the Highway Authority is content with its conclusions.

The Highway Authority has also used its own knowledge of the highway network and information it holds in this regard to ascertain whether the network would be able to accommodate the proposal, further what, if any, improvements would be needed. The Highway Authority indicated in their original consultation response the proposed provision of a 2 metre wide pavement on Brent Hall Road. However, this conflicted with the consultation response we received from the Historic Buildings and Conservation Consultant who raised concern regarding the impact of a proposed 2 metre wide pavement and alter the character of the area and consequently the level of harm caused to the Conservation Area. Further discussion was held with the Highway Authority regarding this concern and they subsequently withdrew their request for a 2 metre wide pavement to be provided.

A number of letters have raised concerns regarding the safety of Brent Hall Road and the impact the additional vehicular movements would have on it. Although there are objections from third parties regarding the safety of the road, the Highway Authority has confirmed that the proposals are acceptable from a highway and transportation perspective.

Trees and Ecology

Policy RLP80 of the Adopted Local Plan and Policies LPP68 and LPP71 of the Draft Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP84 of the Adopted Local Plan and Policy LPP70 of the Draft Local Plan state that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in

National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

The submitted indicative Landscaping Plan illustrates that the vegetation on the boundaries will be retained and supplemented with additional native tree planting where appropriate. This will provide some screening from the neighbouring properties.

The Landscape Officer has raised concern regarding the proposed mix of species proposed to supplement the vegetation on the boundary and has suggested alternatives. Concern has also been raised regarding the proximity of dwellings to the boundaries, which may put vegetation under pressure of severe reduction and/or removal as a result of overshadowing, physically blocking views/circulation or subsidence.

These matters/concerns could be addressed through creating a larger buffer between the boundaries and residential development in the layout of a scheme. A Landscape Plan and Management Plan could be submitted through a reserved matters application.

A Preliminary Ecological Assessment, (Ethos Environmental planning, April 2018), has been submitted with this application and following a request from the Ecology Officer an additional survey report in respect of Protected Species Results: Bats and Reptiles (Ethos Environmental Planning, Sep 2018). There is no objection to the application subject to all ecological mitigation measures and enhancement works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Ethos Environmental Planning, April 2018) and Protected Species Results report (Ethos Environmental Planning, Sep 2018). This could be secured by a condition.

Drainage and Flood Risk

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Flood Risk Assessment (FRA) has been submitted with the application and identifies the site as being located within Flood Zone 1 (low risk).

The FRA has considered the potential impact of development on surface water runoff rates, given the increase in impermeable areas post development.

Essex County Council are the lead Local Flood Authority (LLFA) and provide advice on sustainable urban drainage schemes for major developments. They have raised no objection to the application subject to a surface water drainage strategy being submitted and approved. This could be secured by a condition.

Foul Drainage – This is not a planning consideration and would be dealt with under the Building Regulations.

CONCLUSION AND PLANNING BALANCE

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years as set out within the Council's 2018 Annual Monitoring Report (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict

the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In terms of the social objective, it is acknowledged that the provision of housing would bring social benefits and would contribute towards the Council's Housing Land supply. It is also recognised that the building of houses generates economic benefits during the construction process and post occupation of the development where residents would contribute towards maintaining local shops and services. These benefits are applicable to housing development generally and the benefit should be given moderate weight. It is also acknowledged that the application site is located on the edge of Finchingfield and would therefore be in a sustainable location with access to a range of day to day services.

With regard to the environmental objective, the proposed indicative development by virtue of its layout would be out of keeping with the existing pattern of development in the area and would represent poor design. The development of the site would have an urbanising effect in this rural entrance into Finchingfield and would be out of keeping with the character of the settlement. In addition, the proposal would have a detrimental impact upon the character and appearance of the Conservation Area and therefore would cause harm to a designated heritage asset, which would not be outweighed by the benefits of the development.

Furthermore, due to the limited employment opportunities within the village, it is inevitable additional vehicle movements will occur as prospective occupiers of the dwellings travel to surrounding towns/villages to access employment opportunities. It is also likely that due to the narrowness of Brent Hall Road and the lack of a pedestrian pavement into the village, prospective occupiers may not feel safe walking into the village to use the day to day services and

access the school and therefore they will use a vehicle for short journeys. These daily journeys to work and school would soon add up to a high number of miles travelled with the associated carbon emissions.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan. The proposed development does not therefore constitute sustainable development and it is recommended that planning permission is refused.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application REFUSED for the following reasons:-

- 1 The proposed development would result in loss of the legibility of the valley within which development has historically been confined and cause less than substantial harm to the Conservation Area by further extending the residential sprawl of Finchingfield beyond the valley and altering the transition from agrarian landscape into the historic core. The harm identified to a designated heritage asset, would not be outweighed by the benefits of the development.

Furthermore, the development of the site would result in the loss of a transition between the open countryside into the valley where the settlement core of Finchingfield is situated, and would therefore have an urbanising effect in this rural entrance into Finchingfield and would be out of keeping with the character of the settlement.

The proposed development is therefore contrary to the National Planning Policy Framework, Policies RLP90 and RLP95 of the Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy and Policies LLP50, LPP55, LPP56 and LLP60 of the Braintree District Publication Draft Local Plan.

- 2 Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for affordable housing. This requirement would be secured through a Section 106 Agreement. At the time of issuing this decision a Section 106 Agreement has not been prepared or completed. In the absence of such a planning obligation the proposal is contrary to Policy CS2 of the Braintree District Core Strategy.

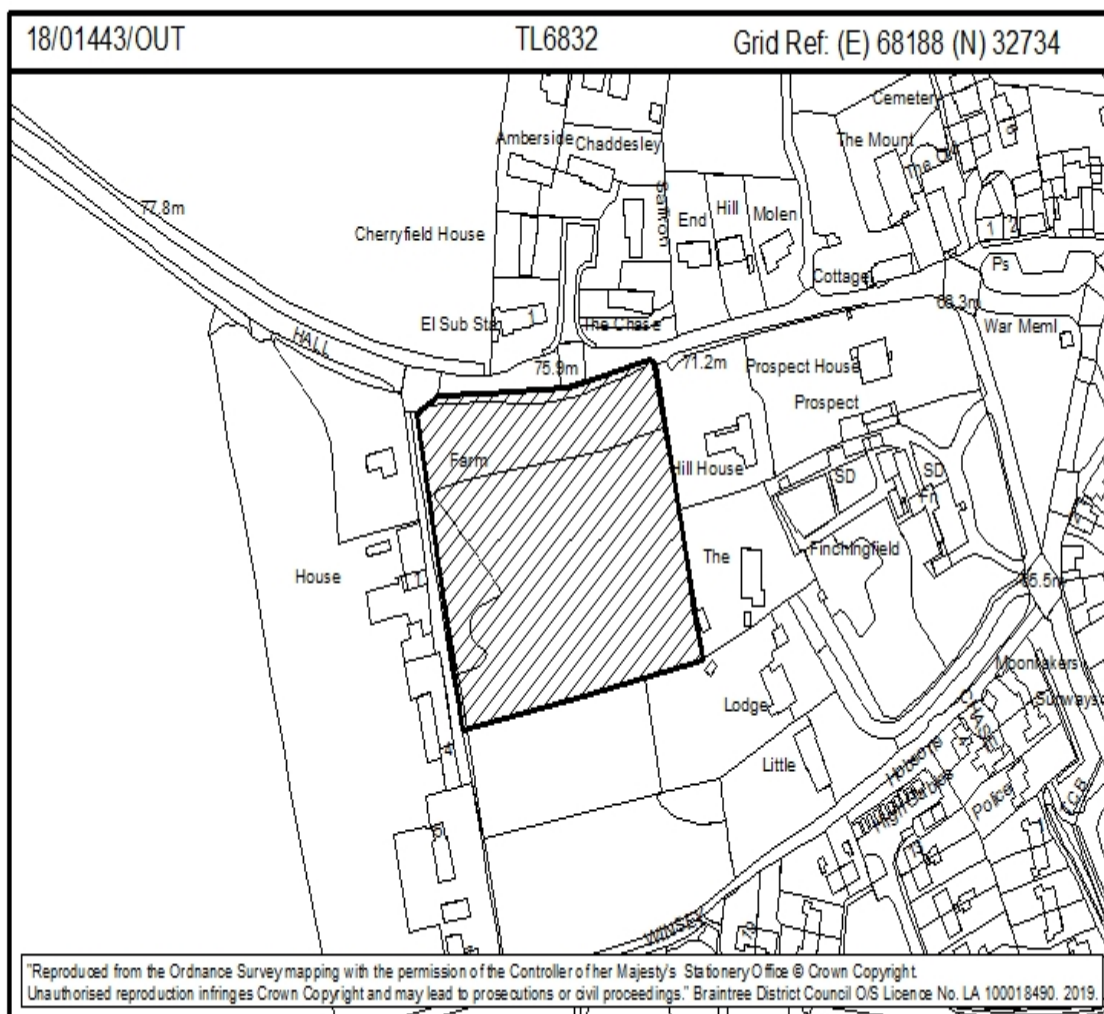
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO:	18/01443/OUT	DATE VALID:	21.08.18
APPLICANT:	Mr Harding C/O Phase 2 Planning & Development		
AGENT:	Mr Stuart Willsher 250 Avenue West, Braintree, CM77 7AA		
DESCRIPTION:	Outline planning permission, with all matters reserved for the erection of 16 dwellings		
LOCATION:	Land West Of Hill House, Brent Hall Road, Finchingfield, Essex		

For more information about this Application please contact:
 Juliet Kirkaldy on:- 01376 551414 Ext. 2558
 or by e-mail to: juliet.kirkaldy@braintree.gov.uk



SITE HISTORY

00/00012/REF	Erection of 8 detached 4 bedroomed houses	Appeal Withdrawn	06.04.00
95/00354/FUL	Erection of a christian centre	Refused	18.07.95
99/01779/OUT	Erection of 8 detached 4 bedroomed houses	Refused	17.02.00
18/01442/OUT	Outline planning permission, with all matters reserved for the erection of 10 dwellings	Pending Decision	

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS2	Affordable Housing

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP71	Landscape Character and Features
LPP72	Green Buffers
LPP78	Flooding Risk and Surface Water Drainage

LPP80 Sustainable Urban Drainage Systems
LPP81 External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation at the request of the Chairman and Vice Chairman of the Planning Committee.

SITE DESCRIPTION

The application site comprises a vacant field, located on the southern side of Brent Hall Road, to the west of Finchingfield with a site area of approximately 1.05ha. The site is situated outside of the defined development boundary for Finchingfield. Along Brent Hall Road the site is bounded by planting. There are residential properties abutting the eastern boundary of the site, with agricultural barns to the west (permission granted in 2018 for conversion to residential). The site is situated within the designated Conservation Area for Finchingfield.

PROPOSAL

This application seeks outline planning permission with all matters reserved for the erection of 16 dwellings.

A separate application has been submitted which seeks outline planning permission with all matters reserved for 10 dwellings (application reference 18/01442/OUT). This application is also being reported to Planning Committee for determination.

A previous application (99/01779/OUT) for a similar character of development was refused.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward.

The application is supported by a suite of documents:

- Planning Statement
- Design and Access Statement
- Environmental Statement
- Heritage Statement
- Transport Statement
- Flood Risk Assessment
- Arboricultural Impact Assessment
- Archaeological Report
- Statement of Community Involvement
- Landscape and Visual Assessment
- Protected Species Survey

CONSULTATIONS

NHS England – Due to the low number of dwellings we do not wish to raise an objection to this development or request mitigation.

BDC Ecology – No objection subject to securing biodiversity mitigation and enhancement measures.

Natural England – No comment.

BDC Waste – No comment.

BDC Environmental Health – No objection subject to conditions relating demolition, site clearance and construction to minimise disturbance to nearby residents.

ECC Highways – No objection subject to conditions relating to completion of site access, the provision and implementation of a Residential Travel Information Pack per dwelling, at the site frontage from the access, to the East only a minimum 2 metre footway.

Note: The Highway Authority have removed the request for a 2 metre wide pavement following concerns raised by the Historic Buildings and Conservation Consultant.

Environment Agency – No comment.

ECC Sustainable Urban Drainage Team – No objection subject to conditions relating to submission of a detailed surface water drainage scheme for the site, submission of a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system, maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

BDC Landscape Services – The strong sense of enclosure of the site is afforded mainly by the presence of a robust hedgerow growing along Brent Hall Road. The future retention of this key landscape feature can only be guaranteed if the hedge is located on public open space. Concern regarding layout to the north west of the site and proximity of dwelling no 1 which will put this hedge under pressure to be cut back or removed. A large buffer should be created. A more balanced mix of species to provide an efficient screening during the winter is suggested. Concern about proximity of dwellings to the boundaries, as it will put vegetation under pressure of severe reduction and/or removal as a result of overshadowing, physically blocking views/circulation or subsidence. A Landscape Plan and Management Plan reflecting comments raised should be submitted.

Historic Building Consultant – Objection. The site of the proposed development is an open agricultural field within the Finchingfield Conservation Area. As noted within the applicants Heritage Statement, the site at present

makes a positive contribution to the character and appearance of the Conservation Area by virtue of its rural character. This rural character makes a valuable contribution to how we are able to experience and interpret the Conservation Area, most noticeably as we approach from the west transitioning from traditional open countryside and down into the valley where the settlement core is situated. Long distance views of the Church on approach into Finchingfield from the west have been intruded upon by twentieth century development, however the application site has retained its agrarian character. The site is considered of great value to the Conservation Area through its contribution as to how we experience the transition from open rural landscape and into the historic village core which is secluded from its wider setting outer landscape. The site preserves and reinforces the legibility of the valley which development has historically been confined. The presence of development on the site will cause harm to Conservation Area by extending the residential sprawl of development beyond the valley and altering how we transition from agrarian landscape into the historic core. The harm is cumulative to that twentieth century development to the north of the site. Although the retention of hedging and setting development away from highway will reduce prominence it will still intrude into views and alter the character of the area which should denote the village's historic limits. Concern regarding Highway Authority request for a 2 metre wide pavement as this will potentially alter the character of the area and consequently the level of harm caused. It is noted despite landscaping measures the development will be conspicuous in winter and in the evenings as a result of light pollution associated with development. The proposal would have adverse impact upon the Conservation Area and the character and appearance of which it would fail to preserve or enhance. The harm identified to the Conservation Area as a heritage asset is less than substantial and therefore should be weighed against any public benefits which may arise.

REPRESENTATIONS

Finchingfield Parish Council – Objection. The site is outside of the village envelope. There is no footpath into the village and the road narrows as it enters the village. This could create a dangerous situation if pedestrian and vehicular traffic were increased due to housing development.

The application was advertised by way of a site notice, in the local press as a Departure from the provisions of the Development Plan and neighbour notification. 8 objections and 1 comment of support from Finchingfield Primary School were received. In summary the following comments were made:

Highways and traffic

- This is a fast and narrow road
- There are no street lights
- There is no pavement for pedestrians or refuge on the road
- Can the developer provide a pavement?
- Tourist parking occurs near the site in the summer months restricting the line of sight

- The development would cause an increase in car movements into the towns and cities
- The access proposed is too close to the existing access at The Chase
- There are more suitable sites for development closer to main roads

Services and facilities

- The increased pressure on the sewerage system which already have undersized pipes
- The school is full and cannot expand
- The doctors surgery cannot cope
- (A representative of Finchingfield Primary School) there are only a small number of children currently on our roll. The village is in need of new housing to bring families. An increase in intake would make a significant difference.

Design and layout

- The density is out of keeping with character of the area.

Neighbouring amenity

- The development will have a detrimental impact on privacy
- Concern regarding noise and disturbance and light pollution
- Proposal is contrary to Human Rights Act. It will have a dominating impact on our right to a quiet enjoyment
- Proposed public area would further erode our privacy

Hedgerow/trees

- Why can't the existing access to the site be used to avoid removal of mature trees
- Part of ancient hedgerow has already been removed
- The ongoing maintenance of hedge is a concern
- Trees and hedges have already been removed prior to application being submitted

Flooding

- Flooding is already a problem in the village. The elevated site and development of a field into concrete would increase the problem.

Public Consultation Process (by the applicant)

- Information was misleading and inaccurate
- Houses nearest to the site did not receive an invitation to public exhibition

Other

- Development could set a precedent for future development
- Previous applications on the site for a similar character of development have been refused
- Concern regarding hours of construction and movement of construction vehicles

REPORT

PRINCIPLE OF DEVELOPMENT

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011).

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is not proposed for allocation for development in the emerging Draft Local Plan. The proposed development is therefore contrary to the Draft Local Plan, in particular Policy LPP1 of the Draft Local Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The proposed development is therefore considered to be contrary to the Development Plan and the emerging Draft Local Plan.

5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications (the last update was June 2018). Based on these assessments, the Council within both Committee and Delegated reports, acknowledged that it was unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) was engaged.

Following the publication of NPPF2 in July 2018, by applying paragraph 73 to its supply, the revised March 2018 Housing Land Supply update published on 19th October 2018 indicated a 5.83 years' supply. This position was however not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the new NPPF. Subsequently, the Council published the 2018 Annual Monitoring Report on 15th January 2019 which demonstrates a 6.00 years' supply.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Consideration of the site through 'call for sites' process

The proposed site was submitted for consideration for residential use during the 'call for sites' process as part of the emerging Local Plan (site reference: FINC 235).

The site was considered for allocation at Local Plan Sub-Committee held on 16th March 2016. The officer report stated that, *'FINC235 – This site has been considered previously. It is being proposed for residential use of up to 20 dwellings. The site would be accessed from the B1053 Brent Hall Road. This is a single lane between the village centre and the site, but increases in size to a single carriage at the site entrance. The site is within the Conservation Area but some distance from the historic centre of the village, and would be unlikely to have a significant impact on the character and appearance of the wider historic area. The site is currently well screened. Given the size of the village, its overall historic character, and the local road network, a larger scale development may not be appropriate. The Sustainability Appraisal report also considered that the site would have a potential negative impact on the historical environment and heritage assets within the vicinity'*. The Local Plan Sub Committee agreed with the officer recommendation that the site should not be allocated for residential development.

Location and Access to Services and Facilities

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic. These roles should not be considered in isolation, because they are mutually dependent.

The development will undoubtedly bring both social and economic benefits, albeit relative to the scale of the development. The development will provide housing and also affordable housing. In addition the development would provide benefits during the construction stage and thereafter with additional residents supporting the services/facilities within nearby towns/villages.

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance

or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

The strategy set out in the Publication Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

In the Publication Draft Local Plan Finchingfield is classed as a 'Second Tier' village. The Plan states in paragraph 5.9 that: 'Second tier villages are those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Villages. Development of a small scale may be considered sustainable within a second tier Village, subject to the specific constraints and opportunities of that village'.

Overall it is considered that the site is located in a sustainable location on the edge of Finchingfield which provides a limited range of community facilities and services. Finchingfield has; public houses; Post Office; tea rooms; a hall; a primary school; and a doctor's surgery. There is an hourly bus service into the main town of Braintree. Given the location of the site, it is not isolated and would not conflict with the requirements of Policy CS7 of the Adopted Core Strategy and this weighs in favour the proposal in the overall planning balance.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to buildings or land in a Conservation Area and states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve

substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Policies RLP90 and RLP95 of the Adopted Local Plan and Policies LPP56 and LLP60 of the Draft Local Plan seek to conserve the character and appearance of Conservation Areas, this includes the views into, out from and within the constituent parts of designated areas. Policy CS9 of the Adopted Core Strategy requires developers to respect and respond to the local context particularly where proposals affect the Conservation Area.

As recognised by the NPPF, heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm or loss requires clear and convincing justification with great weight given to the asset's conservation – the more important the asset, the greater the weight should be given. Accordingly, the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. A Heritage Statement has been submitted with the application.

As concluded in the Heritage Statement submitted by the applicant, 'No harm has been found to the character and appearance of the Conservation Area and this is principally because the site, as existing, is not of any particular quality in its own right. It has been acknowledged within this Statement that the site does contribute positively to the Conservation Area and this is principally because it is an area of open land, which appears to be the primary reason for its inclusion within the Conservation Area. Although the proposals introduce development onto the site, that development is bespoke, high quality and modest in scale. In addition, landscaping has played an integral role in the development of the proposals and a substantial green buffer/open space has been maintained to the north along Brent Hall Road to ensure that glimpsed views still remain open and of green space rather than buildings. As such, and although the nature of the site will change (from open to developed land) it will not change in terms of its contribution.

The new development is considered sensitive to the surroundings, does not amount to over-development, maintains a substantial green buffer and puts landscaping and planting at the forefront of the scheme'.

Finchingfield Conservation Area was subject to a review in 2009 which included an extension which encompassed the application site plus adjacent buildings. The reason for this is set out in the 2009 report (produced by Scott Wilson) and states the following: *“Great Wincey farm and the fields between the farm and the existing western boundary of the Conservation Area are to be included within the Conservation Area. The mature trees to the eastern edge and along the drive are significant having a positive impact on the Conservation Area. The buildings are historic and demonstrate a clear relationship with other buildings within the existing Conservation Area”*.

The Landscape Visual Appraisal submitted by the applicant states in paragraph 5.24 (Landscape Context) ‘The importance of Finchingfield as a renowned historic village with considerable attractive qualities, recognised by the tourism it draws, may also drive a higher valuing for its rural context. Finchingfield retains a compact village form and distinct place in the folds of the surrounding landscape, with relatively few modern additions. These qualities and the relationship with its relatively attractive rural setting and approaches to the village might fairly be taken as indicators of high landscape value in general terms for the areas directly around Finchingfield’.

The consultation response from the Historic Buildings and Conservation Consultant notes that the site of the proposed development is an open agricultural field within the Conservation Area and by virtue of its rural character it makes a positive contribution to the character and appearance of the Conservation Area. This rural area makes a valuable contribution to how the Conservation Area is experienced and interpreted and most notably from the western approach transitioning from traditional open countryside down into the valley where the settlement core is situated. The site allows the experience of glimpsed views of the village centre from a character area defined by the open rural landscape rather than residential. The site preserves and reinforces the legibility of the valley within which development has historically been confined. The presence of residential development upon this site will cause harm to the Conservation Area by further extending the residential sprawl of the settlement beyond the valley and altering the transition from agrarian landscape into the historic core.

As a result the proposed development would have an adverse impact upon the views into and out of the Finchingfield Conservation Area.

Officers have therefore concluded that the scheme fails to make a positive contribution to local character and distinctiveness (NPPF Paragraph 192). For the purposes of this assessment this harm is considered to represent less than substantial harm to the listed building and Conservation Area. The local planning authority are therefore required to weigh this harm against the public benefits of the proposal (NPPF Paragraph 196) and consider whether there is clear and convincing justification for the harm (NPPF Paragraph 194).

The proposal would result in a number of benefits which would weigh in favour of the proposed development.

In terms of economic and social sustainability, the development would deliver public benefits including 10 market homes and 6 affordable houses which would bring social benefits and would make a contribution towards the Council's housing land supply. It is acknowledged that the application site is located in a sustainable location, in close proximity to the services and facilities of Finchingfield.

It is also recognised that there would be economic benefits during the construction process and after the occupation of the dwellings through residents using local facilities. These benefits are applicable to housing development generally and given the scale of the development these benefits should only be given moderate weight.

Against these benefits, the proposed development would have an adverse impact upon Finchingfield Conservation Area. Although it is considered that the level of harm would be less than substantial harm in this case. However the cumulative harm to the above heritage assets must be considered holistically as widespread harm upon the historic environment further to that upon the Conservation Area.

In these terms, the harm to designated heritage assets is considered to outweigh the public benefits of the development.

Design, Appearance and Layout

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities), and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policy CS9 of the Adopted Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development'.

Policy RLP9 of the Adopted Local Plan requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 of the Adopted Local Plan considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Local Plan Review and Policy CS9 of the Adopted Core Strategy seek a high standard of design and layout.

Policy LLP50 of the Draft Local Plan states that the Council will promote and secure the highest possible standards of design and layout in all new development.

The Council has adopted the Essex Design Guide (2005) as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The matters of layout, scale and appearance of the dwellings are reserved for later approval and are not therefore for consideration at this stage. The layout provided is indicative only and would need to be carefully considered at the reserved matters stage.

Notwithstanding this, an indicative layout has been provided which shows one way by which the site could be developed. The indicative plan proposes 16 dwellings (4 detached dwellings, 8 semi-detached dwellings and 4 terraced properties) through a cul de sac form of development. An area of public open space is proposed to the north east of the site abutting Brent Hall Road.

The indicative elevations submitted appear to show a mixture of heights proposed ranging from 1.5 storey (for terraced dwellings) to 2/2.5 storey for the detached dwellings.

The indicative layout indicates the provision of two car parking spaces for each dwelling which accords with the Essex Vehicle Parking Standards 2009. The proposed provision of amenity space is not specified on the indicative layout, however, it has been measured by officers and the proposed detached dwellings would appear to accord with the minimum 100sq.m as stated in the Essex Design Guide 2005. The garden area for the terraced dwellings is approximately 20sq.m and would not accord with the Essex Design Guide which indicates a provision of 50sq.m garden sizes for one and two bedroom houses.

It should be noted that the Urban Design Officer has raised concerns regarding the proposed 2 bedroom dwellings within the terraced built form being substantially below the Nationally Described Space Standards.

The indicative layout would not be in keeping with the prevailing pattern of existing development within the locality which is primarily a linear form. Although there is a modern cul de sac development adjacent to the site this is situated outside of the designated Conservation Area.

In summary, the proposed development by virtue of its indicative layout would be out of keeping with the existing pattern of development in the area. It is however acknowledged that the application is in outline form, with all matters reserved. However the development of this site would contribute to the cumulative impact with the existing development in having an urbanising effect in this rural entrance into Finchingfield and would have a detrimental impact upon the character and appearance of the area.

Affordable Housing

The Adopted Core Strategy refers in Policy CS2 to the provision of '40% affordable housing on sites in rural area. A threshold of 5 dwellings or 0.16ha in rural areas'.

The Planning Statement submitted in support of the application refers in paragraph 9.60, 'The Applicant is committed to providing a policy compliant level of provision which will deliver 6 affordable dwellings. The applicant is also committed to provide a policy compliant tenure at 70:30 social rent to shared ownership, to meet the need of the District'. However, this is contradicted in paragraph 10.8 of the Planning Statement which refers to the provision of '4 affordable homes'.

To accord with Policy CS2 6 affordable dwellings should be provided.

Public Open Space

The submitted indicative plan shows an area of public open space abutting Brent Hall Road to the north east of the site.

Policy CS10 of the Adopted Core Strategy states that the Council will ensure there is a good provision of high quality and accessible green space. New developments are required to make provision for public accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space Supplementary Planning Document sets out further details on how these standards will be applied. A development of this size would not be required to provide onsite open space or a financial contribution towards open space provision.

The Braintree District Council Open Spaces Action Plan sets out a list of outline proposals for the provision and enhancement of open spaces in Braintree District. Its purpose is to demonstrate the need for the provision and enhancement of open spaces and to enable Council officers to demonstrate where financial contributions being sought from developers under the Open Spaces Supplementary Planning Document will be spent. The Open Spaces Action Plan for 2018 refers to improvements to the existing playing fields and

at land off Stephen Marshall Road. There is no reference made to the need to provide more public open space in Finchingfield.

Landscape and Visual Impact

Policy CS8 of the Adopted Core Strategy requires development to have regard to the character of the landscape and its sensitivity to change. Where permitted it would need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. The Landscape Character Assessment was undertaken in 2006 and formed part of the evidence base for the Adopted Core Strategy and the emerging Publication Draft Local Plan.

A Landscape Visual Appraisal has been submitted with the application which concludes that, 'Although Finchingfield is a sensitive rural village, this development proposal is not found likely to bring about any notable harms to the positive attributes and attractive qualities of this village or its setting. Accordingly, landscape and visual issues should not be an impediment to the planning prospects of this development proposal'.

The site is situated within character area 'B9 Stambourne Farmland Plateau'. Key Characteristics of this landscape character area include:

- *'Relatively open gently undulating arable land.'*
- *'Predominantly agricultural land bounded by species rich hedgerows with trees and ditches.'*
- *'Narrow country lanes bounded by grass verges and ditches dissect the fields.'*
- *'Lines of pylons dissect the open landscape.'*
- *'Wethersfield Airfield dominates the views in the south-eastern area'.*

The suggested landscape planning guidelines for this character area include:

- *'Consider the visual impact of new residential development and farm buildings on the open arable landscape.'*
- *'Ensure that any new development is small scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.'*
- *'Develop strategies to reduce the impact of tourist traffic and coaches during peak periods'.*
-

The suggested Land Management Guidelines for this character area include:

- *'Develop strategies to reduce potential for pollution in ditches and streams bounding the fields.'*
- *'Conserve and enhance the existing field boundary pattern, and strengthen where necessary through planting native species appropriate to local landscape character.'*

- *Conserve and manage areas of ancient and semi-natural woodland as important historical, landscape and nature conservation features.*
- *Conserve and manage the ecological structure of woodland, copses and hedges within the character area.*
- *Conserve and promote the use of building materials in keeping with local vernacular landscape character.'*

The submitted application is for 16 dwellings and therefore is considered as 'major' development. The landscape guidance contained in the Landscape Character Assessment indicates that this landscape character area is not appropriate for major new development and such proposals should be 'small scale' taking into account the impact upon views from the open countryside, and ensure that new development is small scale and responds to the historic settlement pattern.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan requires no undue or unacceptable impact on the amenity of any nearby residential properties.

The layout of the development is a matter for consideration at the reserved matters stage, however an illustrative layout plan has been submitted for information. It is indicated that the dwellings would be two storey and given the indicative positioning & separation with neighbouring properties Officers are satisfied that the site is capable of accommodating 16 dwellings without giving rise to detrimental impacts upon neighbouring residential amenity. However, as noted above, there are concerns relating to the proposed layout being out of keeping with the prevailing pattern of existing development.

Highway Issues

Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

With the National Planning Policy Framework in mind, particularly Paragraph 109, the Highway Authority has reviewed the planning application and supporting Transport Assessment against its own Development Management Policies to ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity and to ensure as far as possible the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

A 6 metre wide narrow shared surface roadway is proposed access into the site on the indicative layout. It was noted from the Officer Site visit that Brent Hall Road is narrow.

Having reviewed the Transport Assessment, the Highway Authority is content with its conclusions.

The Highway Authority has also used its own knowledge of the highway network and information it holds in this regard to ascertain whether the network would be able to accommodate the proposal, further what, if any, improvements would be needed. The Highway Authority indicated in their original consultation response the proposed provision of a 2 metre wide pavement on Brent Hall Road. However, this conflicted with the consultation response we received from the Historic Buildings and Conservation Consultant who raised concern regarding the impact of a proposed 2 metre wide pavement and alter the character of the area and consequently the level of harm caused to the Conservation Area. Further discussion was held with the Highway Authority regarding this concern and they subsequently withdrew their request for a 2 metre wide pavement to be provided.

A number of letters have raised concerns regarding the safety of Brent Hall Road and the impact the additional vehicular movements would have on it. Although there are objections from third parties regarding the safety of the road, the Highway Authority has confirmed that the proposals are acceptable from a highway and transportation perspective.

Trees and Ecology

Policy RLP80 of the Adopted Local Plan and Policies LPP 68 and LPP71 of the Draft Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP84 of the Adopted Local Plan and Policy LPP70 of the Draft Local plan states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

The submitted indicative Landscaping Plan illustrates that the vegetation on the boundaries will be retained and supplemented with additional native tree planting where appropriate. This will provide some screening from the neighbouring properties.

The Landscape Officer has raised concern regarding the proposed mix of species proposed to supplement the vegetation on the boundary and has suggested alternatives. Concern has also been raised regarding the proximity of dwellings to the boundaries, which may put vegetation under pressure of severe reduction and/or removal as a result of overshadowing, physically blocking views/circulation or subsidence.

These matters/concerns could be addressed through creating a larger buffer between the boundaries and residential development in the layout of a scheme. A Landscape Plan and Management Plan could be submitted through a reserved matters application.

A Preliminary Ecological Assessment, (Ethos Environmental planning, April 2018), has been submitted with this application and following a request from the Ecology Officer an additional survey report in respect of Protected Species Results: Bats and Reptiles (Ethos Environmental Planning, Sep 2018). There is no objection to the application subject to all ecological mitigation measures and enhancement works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Ethos Environmental Planning, April 2018) and Protected Species Results report (Ethos Environmental Planning, Sep 2018). This could be secured by a condition.

Drainage and Flood Risk

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Flood Risk Assessment (FRA) has been submitted with the application and identifies the site as being located within Flood Zone 1 (low risk).

The FRA has considered the potential impact of development on surface water runoff rates, given the increase in impermeable areas post development.

Essex County Council are the lead Local Flood Authority (LLFA) and provide advice on sustainable urban drainage schemes for major developments. They

have raised no objection to the application subject to a surface water drainage strategy being submitted and approved. This could be secured by a condition.

Foul Drainage – This is not a planning consideration and would be dealt with under the Building Regulations.

CONCLUSION AND PLANNING BALANCE

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years as set out within the Council's 2018 Annual Monitoring Report (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support

growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In terms of the social objective, it is acknowledged that the provision of housing would bring social benefits and would contribute towards the Council's Housing Land Supply. It is also recognised that the building of houses generates economic benefits during the construction process and post occupation of the development where residents would contribute towards maintaining local shops and services. These benefits are applicable to housing development generally and the benefit should be given moderate weight. It is also acknowledged that the application site is located on the edge of Finchingfield and would therefore be in a sustainable location with access to a range of day to day services.

With regard to the environmental objective, the proposed indicative development by virtue of its layout would be out of keeping with the existing pattern of development in the area and would represent poor design. The development of the site would have an urbanising effect in this rural entrance into Finchingfield and would be out of keeping with the character of the settlement.

In addition, the proposal would have a detrimental impact upon the character and appearance of the Conservation Area and therefore would cause harm to a designated heritage asset, which would not be outweighed by the benefits of the development.

Furthermore, due to the limited employment opportunities within the village, it is inevitable additional vehicle movements will occur as prospective occupiers of the dwellings travel to surrounding towns/villages to access employment opportunities. It is also likely that due to the narrowness of Brent Hall Road and the lack of a pedestrian pavement into the village, prospective occupiers may not feel safe walking into the village to use the day to day services and access the school and therefore they will use a vehicle for short journeys. These daily journeys to work and school would soon add up to a high number of miles travelled with the associated carbon emissions.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan.

The proposed development does not constitute sustainable development and it is recommended that planning permission is refused.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application REFUSED for the following reasons:-

- 1 The proposed development would result in loss of the legibility of the valley within which development has historically been confined and cause less than substantial harm to the Conservation Area by further extending the residential sprawl of Finchingfield beyond the valley and altering the transition from agrarian landscape into the historic core. The harm identified to a designated heritage asset, would not be outweighed by the benefits of the development.

Furthermore, the development of the site would result in the loss of a transition between the open countryside into the valley where the settlement core of Finchingfield is situated, and would therefore have an urbanising effect in this rural entrance into Finchingfield and would be out of keeping with the character of the settlement.

The proposed development is therefore contrary to the National Planning Policy Framework, Policies RLP90 and RLP95 of the Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy and Policies LLP50, LPP55, LPP56 and LLP60 of the Braintree District Publication Draft Local Plan.

- 2 Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for affordable housing. This requirement would be secured through a Section 106 Agreement. At the time of issuing this decision a Section 106 Agreement has not been prepared or completed. In the absence of such a planning obligation the proposal is contrary to Policy CS2 of the Braintree District Core Strategy.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

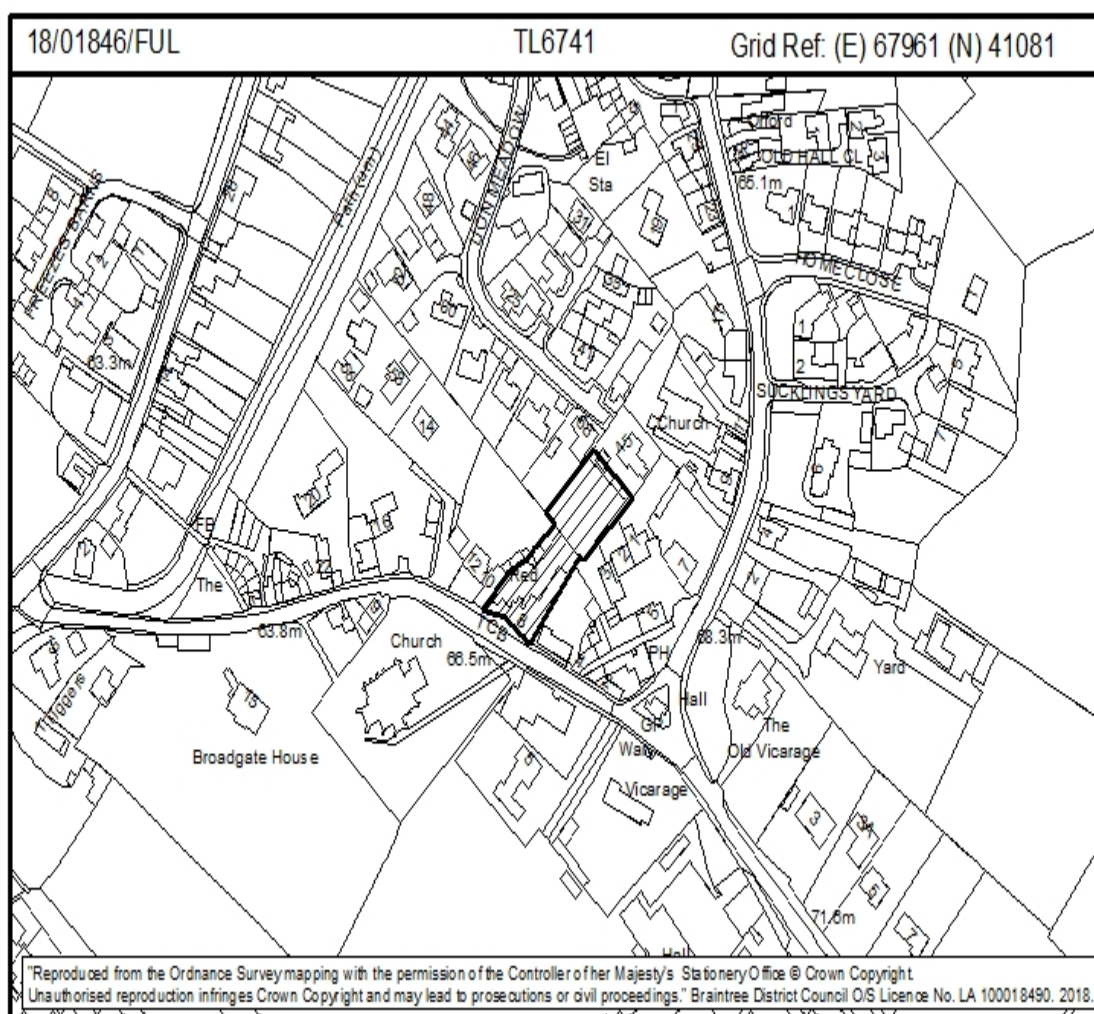
PART A

APPLICATION NO: 18/01846/FUL DATE: 04.10.18
 VALID:
 APPLICANT: Mr and Mrs James Webb
 The Red Lion, 8 Church Street, Steeple Bumpstead,
 Haverhill, CB9 7DG
 AGENT: Mrs Julie Barnes
 Julie Barnes Architect, Newlands, 108 High Street, Great
 Abington, Cambridge, CB21 6AE
 DESCRIPTION: Construction of guest accommodation
 LOCATION: The Red Lion, 8 Church Street, Steeple Bumpstead, Essex,
 CB9 7DG

For more information about this Application please contact:

Mr Sam Trafford on:- 01376 551414 Ext. 2520

or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

00/00027/REF	Change of use from public house to private dwelling	Appeal Dismissed	25.10.00
00/00258/COU	Change of use from public house to private dwelling	Refused then dismissed on appeal	09.05.00
00/00259/LBC	Change of use from public house to private dwelling	Permission not Required	13.06.00
02/01613/LBC	Re-roof main building, refurbishment and repair of lounge bar, re-model toilets and general redecorating and replacement of existing rainwater guttering and downpipes with new cast aluminium guttering and fittings - Phase 1 Works	Granted	26.02.03
04/01602/FUL	Erection of conservatory restaurant and erection of building to form 2 no. detached bedsits	Granted	28.09.04
04/01603/LBC	Erection of conservatory restaurant and erection of building to form 2 no. detached bedsits	Granted	28.09.04
05/01124/FUL	Proposed construction of conservatory restaurant and 2 bedsits	Granted	02.08.05
05/01613/FUL	Proposed erection of two dwellings with garages	Refused	10.10.05
06/01483/FUL	Erection of one two storey dwelling with carport	Granted	14.09.06
07/01260/FUL	Amendments to planning approval 06/01483/FUL - Erection of one no. two storey dwelling with carport	Refused	08.08.07
07/01764/FUL	Erection of one no. two storey dwelling with carport - APPLICATION NOT PROCEEDED WITH	Application Returned	
07/02203/FUL	Erection of one two storey dwelling with car port accessed from Lion Meadow	Withdrawn	19.12.07
08/00353/FUL	Erection of one no. two storey dwelling with car port	Granted	22.04.08

08/02097/FUL	Proposed stable block conversion into holiday let	Granted	09.02.09
08/02098/LBC	Proposed stable block conversion to holiday let	Granted	09.02.09
09/00025/DAC	Application for approval of details reserved by condition nos. 2, 3, 4, 10 and 11 of approval 08/00353/FUL	Part Grant, Part Refused	10.02.09
09/00240/TPO	Notice of intent to carry out work to trees preserved by Tree Preservation Order 14/05 - Cut back trees by approx 30%	Part Grant, Part Refused	10.11.09
16/00320/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Reduce by 3 metres in height and width 2 Sycamores and 3 Ash trees	Granted	06.12.16
18/01847/LBC	Construction of guest accommodation.	Withdrawn	25.01.19

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date

Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP146	Tourist Accommodation
RLP148	Visitor Facilities in Villages

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LLP9	Tourist Development within the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

Other Material Considerations

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Steeple Bumpstead Parish Council has objected to the proposal contrary to Officers' recommendation.

SITE DESCRIPTION

The application site comprises an existing Public House which is Grade II listed within the village envelope and Conservation Area of Steeple Bumpstead. Within the curtilage of the Public House is a two storey ancillary outbuilding, which is used as guest accommodation in connection with the Public House business.

PROPOSAL

The planning application proposes the demolition of a collection of ancillary outbuildings and the erection of a part two storey part single storey outbuilding, to be used as additional guest accommodation to support the viability of the Public House business.

The existing guest accommodation has been operating successfully and the applicants have recognised a demand for an additional building to operate as further guest accommodation.

The building would replicate the design of the existing, former, stable building, which currently is in use as guest accommodation.

CONSULTATIONS

Historic Buildings Consultant – Raises no objections and advises that there would be little harm caused to the listed building and Conservation Area. The consultant recommends the imposition of four conditions, which include requiring samples of external materials, details of new windows, doors and eaves, and to ensure the new building does not result in a new dwellinghouse on the site.

Landscape Services – No Objections, subject to the imposition of a condition requiring all tree protection measures set out in the submitted arboricultural report to be fully adopted.

Steeple Bumpstead Parish Council – Raises objection on grounds of loss of trees on the site; loss of light to neighbouring residential dwellings; lack of sufficient parking on site; and suggesting the proposed building is too tall.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. A total of four representations were received, from three neighbouring addresses, including 1 and 3 The Old Bakery, which are to the south east of the site, and 68 Lions Meadow, which is to the north east of the site. They raise objection on grounds of impacts on neighbouring residential amenity, through loss of light, overlooking and overbearing.

REPORT

Principle of Development

The site is situated within the development boundary of Steeple Bumpstead. Policy RLP146 of the Adopted Local Plan states “proposals for hotels or bed and breakfast accommodation will be permitted within village envelopes and town development boundaries if the character and appearance of the locality will not be damaged. This applies to new building, change of use of an existing building or extension to existing accommodation”. Policy CS4 of the Adopted Core Strategy states the Council “will promote suitable new tourist development in appropriate locations, in order to increase the range, quality and type of facilities available”. The emerging Draft Local Plan has no policy relating to tourist development within development boundaries, however the preamble to Policy LPP9, (Tourism Development in the Countryside) states that in order “to maximise the benefits of tourism to rural economies, tourist development should be located where visitors can access local shops, pubs and other services”. Steeple Bumpstead is a popular tourist destination. Whilst there is existing tourist accommodation in Steeple Bumpstead, the proposal would not result in an over provision of this type of use.

In this regard, the principle of the erection of a new building to be used as independent holiday accommodation is considered to be acceptable.

Design, Appearance and Layout

The proposed building would replicate the existing building on the site in terms of its design and appearance. Its form would be reduced in length but increased in depth. Materials would match as closely as possible existing materials used on the site, namely a red brick and roof tiles. The building would replace a collection of outbuildings which appear untidy and do not make a positive contribution to the site.

The building would be traditional in terms of its appearance, and no objection is raised on grounds of design and appearance. The proposal would retain the Public House’s garden, essentially being contained within an existing enclosed area labelled ‘yard’ on the submitted plans.

The proposal is therefore acceptable in terms of design and appearance.

Heritage Issues

The proposed development would be sited adjacent to a Grade II listed building known as The Red Lion. Paragraph 196 of the National Planning Policy Framework states “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. In the case of this application, the Historic Buildings Consultant has identified no harm to either the setting of the Grade II listed building or the character of the Conservation Area, and therefore, in this instance, the test of less than substantial harm being weighed against public benefits brought about through the proposed development is not considered to be necessary.

In addition officers are of the view that an additional tourist facility within a sustainable location, which would enable a community facility to continue operating viably, to be a public benefit of the proposed development.

Subject to the conditions recommended by the Historic Buildings Consultant, which are considered to be necessary and reasonable, the application is acceptable in terms of heritage impact.

Impact on Neighbour Amenity

Several representations have been received by neighbouring dwelling-houses, raising objection on grounds such as loss of light, overbearing, and overlooking.

The proposal would measure 6 metres to the ridge of the new building. This height would be approximately 17 metres from the closest dwelling, which is at No. 2 The Old Bakery, and approximately 18.5 metres from the next closest dwelling, at 68 Lions Meadow. The neighbour at No. 68 has raised objections on grounds that the proposed development would result in an unacceptable loss of light, overlooking and overbearing impacts upon their residential amenities.

By reference to the guidance set out within the recognised BRE Report ‘Site layout Planning for Daylight and Sunlight: a guide to good practice (BRE209) any loss of sunlight or daylight to 68 Lions Meadow and the private amenity area to the rear of the dwelling would not be such that this would have an unacceptable impact or be unduly overbearing.

The part of the building which would be closest to the dwelling, No. 68, would be the single storey element, thereby further reducing its’ impact. Any overlooking impact is unlikely, as there is only one opening on the side elevation facing toward the neighbouring dwelling (No.68) which is shown to serve a W/C, would be obscure glazed. A condition would be imposed to ensure permanent retention of the obscure glazing.

The occupants of No. 1 and No. 3 The Old Bakery also submitted representations, in relation to overlooking issues. The distance from the first floor window on the front elevation, which would serve the guest bedroom, to No's 1 and 3 The Old Bakery would be approximately 27 metres and 17 metres respectively. These distances, together with the indirect views which could occur as the buildings are at an angles to one another, would not result in overlooking or constitute an unacceptable impact on neighbouring residential amenities.

Impacts on Protected Trees

Representations from neighbours and the Parish Council raise objection on grounds that the existing trees on the site are fundamental to retaining the character of the site. Officers agree with this statement, and sought an Arboricultural Assessment from the applicants to ensure the development would be carried out without prejudicing the existing trees.

The Arboricultural Assessment shows the proposed building could be installed without loss of the existing trees on the site. All trees on the site are of a Grade B (moderate) quality. The use of tree protection equipment on the site, including specialist fencing, would allow the trees to remain. The Landscape Services team recommend a planning condition requiring the recommendations in the assessment to be adopted in full.

Highway Issues

The Parish Council raise objection on grounds of a lack of parking space available on site for the proposed use. The Essex Parking Standards requires one parking space per bedroom within a Guest House. Therefore a single bedroomed holiday let would require one additional parking space. The existing Public House is served by a car park, which is limited in terms of its size. However there would be space within it to accommodate the single parking space required. Whilst this would potentially result in there being one less space for users of the Public House, in village settings such as this, it is more likely for users to walk to the site rather than drive. The Highway Authority does not raise an objection to the proposals on grounds of parking, and Officers consider the application to be acceptable in this regard.

CONCLUSION

The proposal is for additional guest accommodation in a sustainable location, within a village having an important tourism offer. The applicants have confirmed that having an on-site guest accommodation has supported the viability of the business, and wish to expand on this to ensure the Public House remains viable. The application is acceptable in terms of heritage, design and highway impacts, and Officers are satisfied that although there could be some degree of harm by virtue of impacts on neighbouring residential amenities, this would not be of a level as to be unacceptable in planning terms. Additional information also satisfies Officers that protected

trees on the site, which make a contribution to the character and appearance of the site, can be retained.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Location Plan	
Existing Floor Plan	Plan Ref: 794/01
Existing Elevations	Plan Ref: 794/02
Existing Elevations	Plan Ref: 794/03
Proposed Floor Plan	Plan Ref: 794/04
Proposed Floor Plan	Plan Ref: 794/05
Proposed Elevations	Plan Ref: 794/06
Proposed Elevations	Plan Ref: 794/07
Proposed Block Plan	Plan Ref: 794/08
Window details	Plan Ref: 794/09

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 The accommodation hereby permitted shall be used only for guest accommodation purposes ancillary to the Public House and shall not be occupied by any lessee, tenant or guest for any period exceeding 28 days consecutively.

Reason

In order to enable the local planning authority to give consideration to any residential use of the property other than as a single dwelling unit.

- 4 No above ground development shall commence unless and until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

- 5 No above ground development shall commence unless and until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details and shall thereafter be retained as approved.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

- 6 The development shall be carried out in accordance with the approved Arboricultural Report listed above, undertaken by OMC Associates, dated 10 December 2018. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

All recommendations made within the report, in connection with the protection of all trees on the site, shall be adopted in full. These means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

- 7 Prior to first occupation, the first floor roof light window on the side facing elevation shall be glazed with obscure glass to a minimum of level 3, shall be non-opening and shall be so retained at all times.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

INFORMATION TO APPLICANT

1 In seeking to discharge Condition No. 5, the applicant is minded to note that at the time of works, the Council will be expecting to see the new windows in painted timber, face puttied, and without trickle vents or surface mounted glazing bars, flush meeting within the frames, with matching joinery for opening and fixed casements, set into the brickwork by at least 70mm behind the face of the bricks. The windows shall be permanently maintained as such.

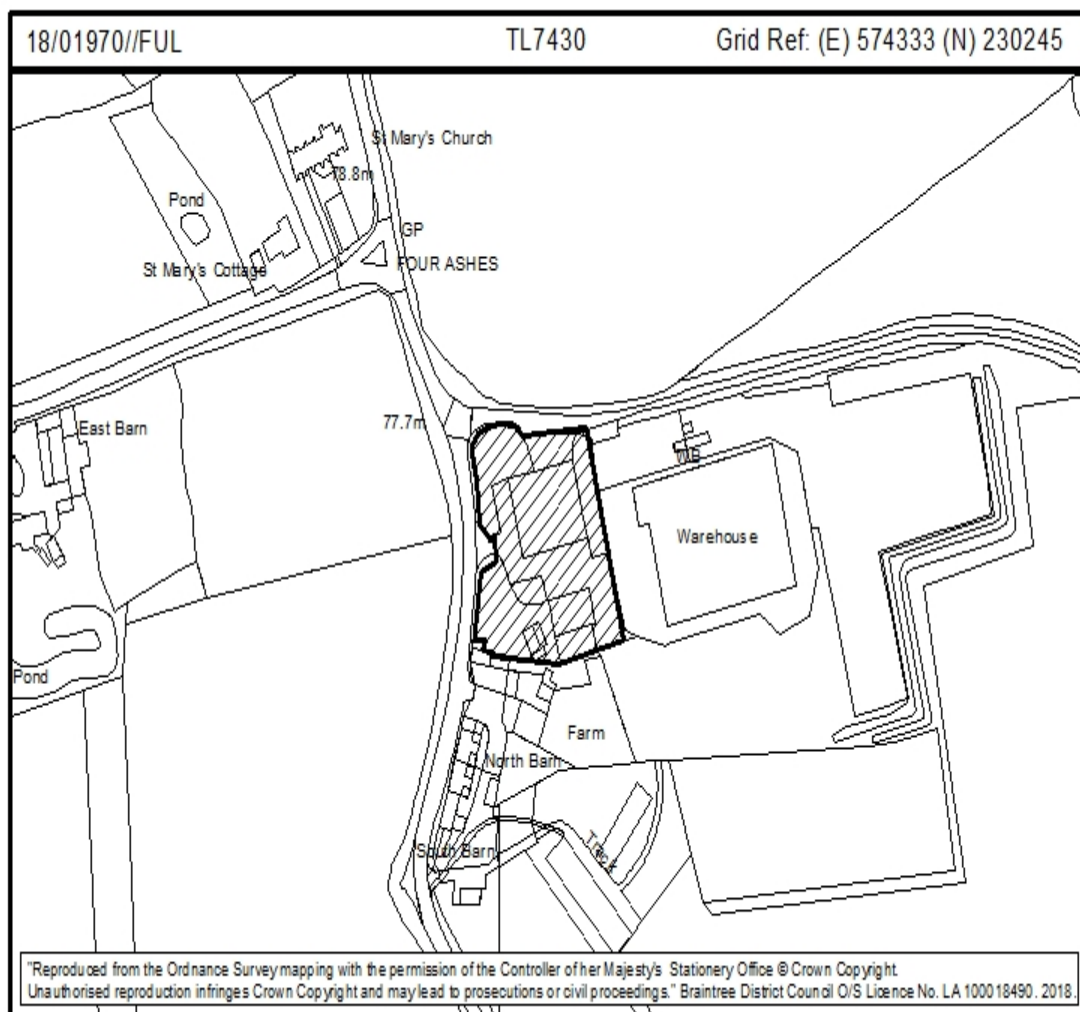
2 In respect of Condition No. 7, the applicant is advised that glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/01970/FUL DATE: 02.11.18
 VALID:
 APPLICANT: Mr P Coster
 PLC Ltd., 29 Parkland Avenue, Upminster, RM14 2EX, UK
 AGENT: Mr Lewis Cook
 Form Architecture Ltd., 85 Craigdale Road , Romford,
 RM11 1AF, UK
 DESCRIPTION: Demolition of existing industrial buildings and re-
 development of site to form 9 new residential dwellings.
 LOCATION: Wavers Farm, Blackmore End, Wethersfield, Essex, CM7 4DP

For more information about this Application please contact:
 Mr Sam Trafford on:- 01376 551414 Ext. 2520
 or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

01/02151/AGR	Erection of general purpose agricultural store	Permission not Required	16.01.02
86/01434/P	Variation of condition no.4 of planning permissions BRD/395/70 and BRD/28/72 and condition no. 6 of BRD/111/73.	Withdrawn	13.02.87
87/00816/P	Variation of condition 4 of planning permission BRD/395/70 and BRD/28/72 and new landscaping scheme.	Granted	03.01.89
94/01369/AGR	Proposed polythene tunnel shaped building to house sheep	Permission not Required	09.12.94
87/00817/P	Variation of condition 4 of planning permissions BRD/395/70 and BRD/28/72 and new landscaping scheme.	Granted	
08/00067/FUL	Conversion of farm building to create two storey office development and erection of ancillary garaging for car parking	Granted	25.02.08
87/00816/P/BTE	Variation of condition 4 of planning permission BRD/395/70 and BRD/28/72 and new landscaping scheme	Granted with S52 Agreement	03.01.89
10/01405/FUL	Conversion of farm building to create two dwelling houses and ancillary garaging	Refused	21.12.10
12/01163/FUL	Conversion of redundant farm buildings to create two no. residential units, one with annexe, rear extensions to the buildings, erection of garage and associated landscaping	Granted	12.10.12
14/00237/DAC	Application for approval of details reserved by condition nos. 4, 5, 6, 7, 8 and 9 of approved application 12/01163/FUL	Granted	18.12.14
14/01550/MMA	Application for a minor	Granted	06.03.15

	material amendment to approved application 12/01163/FUL - (amend garage design and location) - Conversion of redundant farm buildings to create two no. residential units, one with annexe, rear extensions to the buildings, erection of garage and associated landscaping		
18/02021/FUL	Erection of stables for rescued horses and ponies, plus the associated track, yard/ hard standing, fencing.	Granted	21.01.19

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2

examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation at the request of the Chairman and Vice-Chairman of the Planning Committee.

SITE DESCRIPTION

The application site consists a collection of commercial/industrial buildings, located outside of any designated village envelope or development boundary. The site is situated approximately 0.5km to the south of the centre of the closest village, Blackmore End.

The site is currently used for purposes related to the recycling of end-of-life uPVC windows. This takes place across three buildings, consisting of a large warehouse, a workshop, and a storage building.

The site has two accesses; one off of the main highway, and another off a side road which leads to a cattery.

PROPOSAL

The application seeks full planning permission for the demolition of the existing buildings used in connection with the business at Wavers Farm, and the construction of nine residential dwelling-houses.

These dwelling-houses would consist of 2 x four beds, 2 x three beds, 2 x five beds, and 3 x two beds.

The proposal would retain and utilise an existing access from the public highway.

CONSULTATIONS

BDC Environmental Health – No Objections, subject to conditions.

Wethersfield Parish Council – No Comments.

BDC Waste Operations – No Objections.

Essex Highways – No Objections, subject to conditions.

REPRESENTATIONS

The planning application has been advertised as a Departure from the provisions of the Development Plan. A site notice was displayed at the front of the site and neighbours were notified by letter. One letter of representation was received, supporting the application as the proposals would see the loss of unattractive buildings, and the construction of new housing which is recognised as being required in the District.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011).

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is not proposed for allocation for development in the emerging Draft Local Plan. The proposed development is therefore contrary to the Draft Local Plan, in particular Policy LPP1 of the Draft Local Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The proposed development is therefore considered to be contrary to the Development Plan and the emerging Draft Local Plan.

5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications (the last update was June 2018). Based on these assessments, the Council within both Committee and Delegated reports, acknowledged that it was unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) was engaged.

Following the publication of NPPF2 in July 2018, by applying paragraph 73 to its supply, the revised March 2018 Housing Land Supply update published on 19th October 2018 indicated a 5.83 years' supply. This position was however not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the new NPPF. Subsequently, the Council published the 2018 Annual Monitoring Report on 15th January 2019 which demonstrates a 6.00 years' supply.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Location and Access to Services and Facilities

Blackmore End itself does not have a village envelope in the Adopted Local Plan. Although it is acknowledged that within the emerging Draft Local Plan a village envelope is proposed for the village, the application site is located outside of it. Blackmore End is identified a third tier village in the Adopted Core Strategy.

The application site is located approximately 500 metres to the south of Blackmore End. There are no facilities or services within the village itself, and no bus routes pass through the village which could provide a sustainable method of reaching essential services and facilities.

The closest villages where there are limited shops, a doctor's surgery, a school etc. are in Gosfield and Wethersfield, which are approximately 4km and 3.5km respectively 'as the crow flies'. This distance would not be walkable, and therefore the new dwellings would be reliant on the use of the private car to reach facilities and services, which would not be a sustainable method of transportation.

The application site is located within close proximity to several existing dwelling-houses to the south. Whilst this small cluster of dwellings does not constitute a settlement or village, it does mean that the new dwellings would not be isolated in the context of the recent Court of Appeal decision for housing at Blackmore End.

Design, Appearance and Layout/Impact upon Character of the Area

The proposal would see some of the existing buildings at Wavers Farm demolished, and replaced with nine dwellings replicating what is referred to in the submitted Design and Access Statement as a 'farmstead character'. Notwithstanding the *raison d'être* for the proposed development set out in the design and access statement, it is considered that the resultant development would fail to provide satisfactory form and design, consisting an incongruous mix of architectural styles, representing a pastiche of a farm yard conversion that would offer a poor quality of residential design.

The proposal would include inward facing dwellings, which can in some contexts be acceptable, however in this form would include elements of poor design. For example, private amenity spaces would be on the outside of the development, and for Plot 1 in particular, would leave them vulnerable to and increase the fear of crime, which is contrary to national guidance. To counteract this, strong boundaries would have to be used to enclose the exposed gardens, however this in itself would be detrimental to the rural setting. This dichotomy would be exacerbated by the noise and disturbance in the gardens from this placement to the passing highway and vehicular movements, which would be avoided if a more traditional arrangement were adopted.

There would be a large area of courtyard in the centre of the proposed development, which would have little amenity value, other than to provide a space for additional car parking and further representing a pastiche of a farmyard. This would be poor design and arrangement, when the quality of private amenity spaces would be compromised to achieve this less desirable element of the farmyard scheme.

Plot 9 would include no outlook onto the street, lacking any fenestration on the public side of the building. The internal amenity of Plot 9 would be poor, having limited outlook or sources of natural light on the ground floor and no outlook from most of the internal rooms, despite this being a rural location with a potential for good outlook. The window/patio door arrangement serving the main living space would have a particularly poor outlook, facing on to the side elevation of Plot 8. The other two windows in this room would be north facing, and have a limited outlook beyond the car parking spaces placed directly outside the windows.

Plot 7 would have a poor outlook, being limited in terms of its range and being focused on the car parking of the adjacent dwelling, Plot 8. Plot 7 would also overlook the private amenity area of Plot 8 at a distance much shorter than the 25 metres prescribed to protect privacy in the Essex Design Guide.

In terms of their design and appearance, Plots 5 and 6 would be different in style to the other plots. Officers recognise the attempt that has been made to mix a pastiche design with a more contemporary form, however in this rural context it appears incoherent and would not be acceptable. The farmhouse style building would lack authenticity, and the barn type dwellings would be domestic in terms of their size, scale and proportions, making the sense of place appear disingenuous and not like the character of traditional residential schemes in rural settings.

Despite the brownfield nature of the site, it is not heavily developed with buildings or infrastructure. The residential development of the site would have an urbanising affect resulting in an unwarranted intrusion into this rural area.

Highways, Transport and Parking

The proposed development would utilise an existing access off of the public highway. Although the use of the access for an additional nine dwellings may represent an intensification over the existing use of the access for industrial purposes, the Highway Authority are satisfied that, subject to the imposition of conditions (relating to requiring details of a wheel washing scheme, and details of residential travel packs to promote sustainable transport methods), the arrangement would be acceptable.

The proposed development of nine dwellings of at least two or more dwellings would require a minimum of 18 parking spaces to be associated with the development. These spaces would need to measure at least 5.5 metres x 2.9 metres in their size, and be usable in practise.

The proposed plans show that each dwelling would include 2 parking spaces, and that they would comply with the required Standards.

Residential Amenity Issues

The NPPF states that new development should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”, whilst Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan allow for new development where there would be “no unacceptable or undue impact” on neighbouring residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact”.

As well as the amenity of existing nearby residential dwellings, the residential amenities of the future occupiers of the proposed dwellings would be a material consideration in the determination of this application. There is no indication within the application that the large warehouse to the east of the application site would cease operating. On this basis, it is assumed that this use would continue. This use, immediately adjacent to nine residential dwelling-houses, would result in an unacceptable unneighbourly and harmful impact upon the residential amenities of the occupiers of the proposed dwellings.

To the south of the site the original farmhouse at Wavers Farm is located close to the boundary. Whilst it is not clear from the drawings where the residential curtilage of the farmhouse would be, it is unlikely that the proposed development would be the required minimum of 15 metres from an existing residential boundary as required by the Essex Design Guide.

Both Plots 5 and 6 would be significantly below the minimum sizes for the number of persons in the Nationally Described Space Standards. The Standards require, for a five bedroom, eight person dwelling, an internal gross floor space of at least 128sq.m. Plot 5 would be 46sq.m below the minimum

standard, and Plot 6 would be 42sq.m below the minimum standard for the number of people proposed.

The resultant internal space would provide a poor quality of amenity for its future occupiers, which would be contrary to the requirements of the National Planning Policy Framework.

Loss of Employment Land

The proposal would see the loss of an existing portion of employment land. The National Planning Policy Framework is strongly supportive of the rural economy, suggesting Local Planning Authorities should help grow existing businesses. Notwithstanding this, Officers recognise that the site was not designated for employment land; in Officers opinion the existing use should not necessarily be retained in principle although the site's advantages to rural diversification and enterprise should be accounted for. The Employment Land Needs Assessment 2015 recommended de-designation of many poorly performing employment clusters in rural locations.

By assessment of its characteristics, the application site is no exception due to the low quality of environment, poor condition of the buildings, few agglomeration benefits and indirect strategic road access. Employment use has been established here for a long time but would not be an ideal location for new strategic employment growth. The loss of the employment site is therefore not considered to be a factor which weighs against the proposed development.

Habitat Regulations Assessment (HRA / RAMS)

Natural England have published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across

Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

CONCLUSION AND PLANNING BALANCE

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years as set out within the Council's 2018 Annual Monitoring Report (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the

right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

There would be social benefits brought about through the proposed development; namely the provision of nine extra residential dwelling-houses and the contribution they would make to the District's housing supply. There would also be short term economic benefits, from the construction jobs made available associated with building the development, although Officers note that for a development on a relatively small scale such as that proposed within this application, these benefits would be limited.

There would be harm caused by the proposed development. The site is located in an unsustainable location, where there would not be walking access to any public transport links to more sustainable locations. The development and its occupiers would rely wholly on the use of the private car. Although the development would not be isolated in the context of Paragraph 79 of the National Planning Policy Framework, it would not represent a sustainable development.

Furthermore, there would be significant issues with the design and appearance of the development, which would result in harm to the environmental role of sustainable development. The residential amenities of future occupiers of the development would be severely compromised by inadequate private amenity areas, unacceptable internal amenity space, and poor outlook and lack of natural light.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan. The proposed development does not constitute sustainable development and it is recommended that planning permission is refused.

RECOMMENDATION

It is **RECOMMENDED** that the following decision be made:
Application **REFUSED** for the following reasons:-

- 1 The proposal seeks to introduce nine new dwellings in a countryside location, where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. There are very limited facilities and amenities within walking distance of the site and development in this location and no public transport links, which would undoubtedly place reliance upon travel by car. For a development of a relatively small scale, the proposal would do little to enhance or maintain the vitality of the area. The harm caused by an unsustainable form of development is considered to constitute an adverse impact.

These adverse impacts are considered to significantly and demonstrably outweigh the benefits of the additional housing, and, accordingly, the application is considered to be contrary to the NPPF, Policies RLP2 and RLP90 of the Braintree District Local Plan Review, Policies CS5 and CS7 of the Braintree District Core Strategy, and Policies LPP1, LPP37, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.

- 2 The proposed development, by virtue of its form, scale, design and appearance, would result in an incoherent collection of dwellings, representing a poor quality design. The external amenity areas of Plot 1 in particular would be an unattractive proposition, forming a corner of two public highways. The internal spaces of the proposed dwellings also would not represent an acceptable level of amenity of its future occupiers, with the internal spaces of Plots 5 and 6 falling short of the Nationally Described Space Standards, and some of the main living spaces lacking natural light of acceptable outlook.

The proposals are considered to be contrary to Policies RLP9 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, Policies LPP37, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan, and the Essex Design Guide.

SUBMITTED PLANS

Location Plan	Plan Ref: 1547/01
Existing Block Plan	Plan Ref: 1547/02
Existing Elevations	Plan Ref: 1547/03
Proposed Block Plan	Plan Ref: 1547/04
Proposed Plans	Plan Ref: 1547/05
Proposed Plans	Plan Ref: 1547/06
Proposed Plans	Plan Ref: 1547/07
Proposed Plans	Plan Ref: 1547/08
Proposed Elevations	Plan Ref: 1547/09
3D Visual Plan	Plan Ref: 1547/V1
3D Visual Plan	Plan Ref: 1547/V2
3D Visual Plan	Plan Ref: 1547/V3

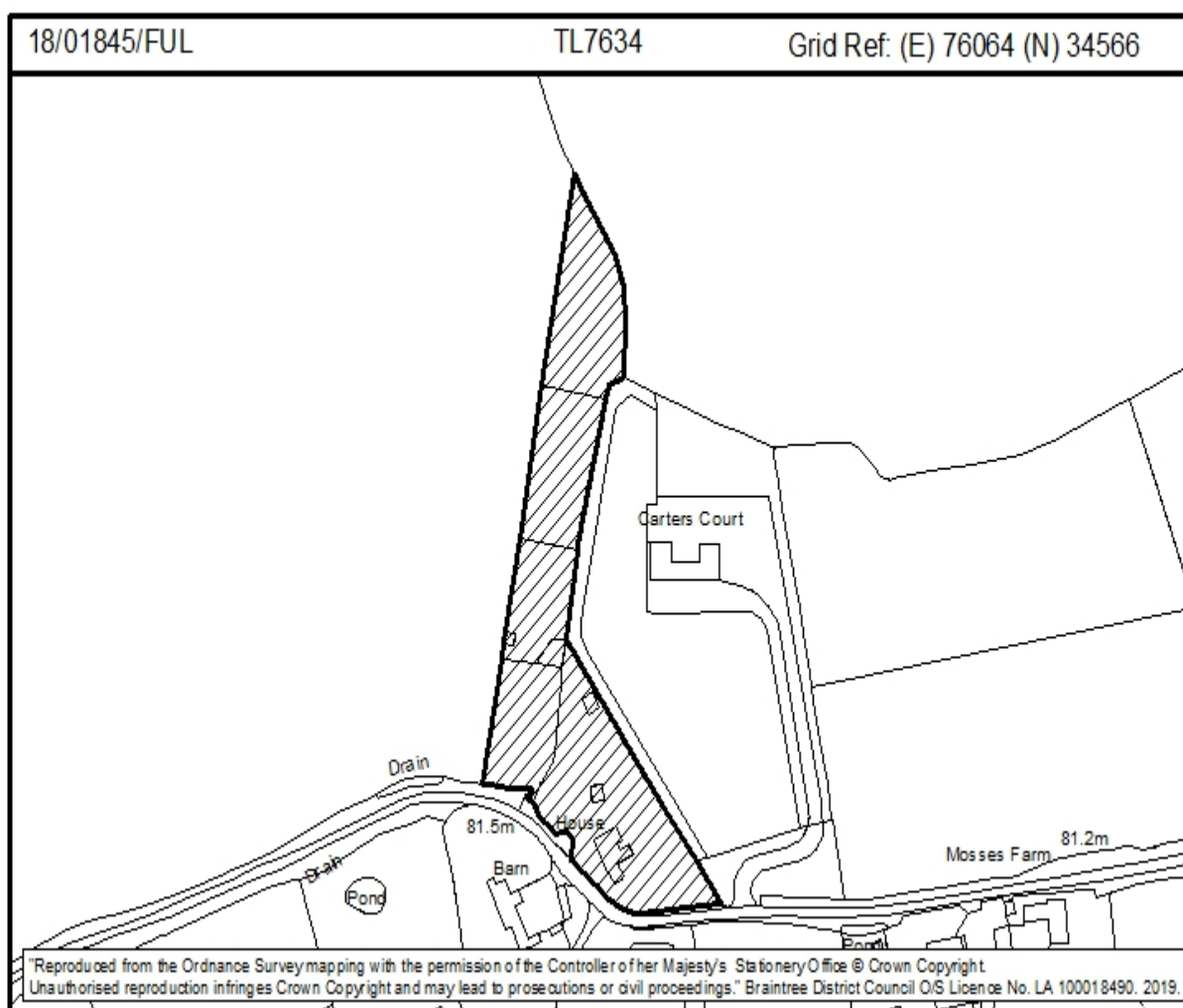
CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART B

APPLICATION NO: 18/01845/FUL DATE: 12.10.18
 VALID:
 APPLICANT: Mr & Mrs Simpson
 Newberries House, High Street Green, Sible Hedingham,
 Essex, CO9 3LG
 AGENT: Stephen Waud Associates Ltd.
 Mr Stephen Waud, 23 Stafford Crescent, Braintree, CM7 9PS
 DESCRIPTION: Replacement detached garage building with hobbies and
 storage above.
 LOCATION: Newberries House, High Street Green, Sible Hedingham,
 Essex, CO9 3LG

For more information about this Application please contact:
 Juliet Kirkaldy on:- 01376 551414 Ext. 2558
 or by e-mail to: juliet.kirkaldy@braintree.gov.uk



SITE HISTORY

78/01015/P	Proposed detached double garage.	Granted	23.08.78
85/01015/P	Erection of detached double garage.	Granted	12.09.85
88/01609/P	Erection Of Extensions	Granted	26.09.88
97/00177/FUL	Extension to existing single storey utility room	Granted	17.03.97

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application property lies on the edge of the hamlet of High Street Green, to the north west of Sible Hedingham within the countryside. The application site contains a two storey detached dwelling and a detached single storey double garage set to the north of the dwelling on a large plot.

The site is screened with vegetation from the road frontage with a gated entrance.

PROPOSAL

This application is seeking planning permission for a new detached garage with first floor habitable accommodation which the applicant has indicated would be used as 'hobby space and storage'.

CONSULTATIONS

Shalford Parish Council - Objection. There is concern as to why a storage space would require a Juliet balcony

REPRESENTATIONS

A site notice was displayed adjacent to the site for a 21 day period and immediate neighbours were notified. An objection has been received from the neighbouring property adjacent to the entrance of the site.

In summary the following comments have been made:

- No objection to principle that the area above the garage is used for storage.
- Object to the location of the windows and Juliet balcony to the South and West elevations as it will look directly into the front of our barn which is full height glazed screen. This would be a severe invasion of our privacy.
- There are wall lights and windows which are UPVC and are not in keeping with a conservation area, along with two Juliet balconies. These are not synonymous with a storage requirement.

Revised plans were received and re-consultation with the neighbour who submitted a further objection stating that their concerns had not been addressed.

REPORT

Principle of Development

For sites located outside of designated village envelopes and development boundaries, according to Policy RLP2 of the Adopted Local Plan, countryside policies apply. Policy CS5 of the Adopted Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP18 of the Adopted Local Plan permits the extension of a habitable, permanent dwelling in the countryside, subject to the siting, design and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands.

Although the submitted proposal is not a physical extension to the host dwelling, Policy RLP18 is still applicable and relevant in the determination of this application.

The principle of development is acceptable subject to compliance with the above criteria and all other material planning matters which are considered below.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan states development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

Policy CS9 of the Adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context.

The NPPF sets out a presumption in favour of sustainable development. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan states outbuildings within the plot of existing dwellings will be acceptable, so long as there is no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries; and so long as the outbuilding would be subordinate to the original dwelling in terms of bulk, height and position.

The existing host dwelling is situated in the centre of the plot. The proposed siting of the replacement garage and associated hobbies and storage room is situated within the footprint of the existing garage. This is to the north of the host dwelling, adjacent to the front of the property.

The proposed building measures approximately 5.5 metres in width and 11 metres in depth. The proposed height to the apex of the roof is 6.4 metres. The materials proposed are to match the existing.

Revised plans were received during the course of the application to address concerns raised regarding the design and bulk of the development. A Juliet balcony has been removed from the north elevation along with dormers on the west elevation. A staircase is proposed on the east elevation. The applicant has stated that, 'the external staircase frees up valuable internal floor space within the garage, is not conducive for the children to have to go through the non-child friendly garage workshop environment and the staircase would not be overlooked by anyone other than the home owners'. The staircase would not be generally visible from the road frontage due to the orientation of the proposed building and the existing screening along the boundary of the site.

Rooflights are proposed on the east and west elevation set 1.7m from the first floor level. Three windows are proposed on ground floor level on the west elevation with a single door on the east elevation. A double roller door is indicated on the south elevation to provide access into the garage with a Juliet balcony above. The applicant has stated that, 'there is a need for the family to have a visual link between the new proposed first floor and the house for example when children are playing on the floor, which will be helped by the Juliet balcony to the South elevation. This will also contribute to the natural light entering the first floor.'

The proposed building is subordinate to the host dwelling in bulk and scale and is compatible with the existing dwelling and the countryside location. The proposal accords with the criteria set out in Policy RLP18 of the Adopted Local Plan, Policy CS5 of the Adopted Core Strategy, and Policy LPP38 of the Draft Local Plan.

Impact on Neighbour Amenity

The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states there should be no undue or unacceptable impact on the amenity of any nearby residential properties.

In terms of the concerns raised from the adjoining neighbour regarding loss of privacy to their property from the full height window & Juliet balcony on the southern elevation to the proposed building, there is a separation distance in excess of 40 metres and an oblique angle from the southern front façade of the proposed replacement garage to the glazed front elevation of the adjoining barn. The frontage of Newberries House is screened with mature hedging and glimpses into the site are only gained through the gated entrance. Whilst the proposed replacement building would be visible there would not be any adverse impact on the amenity of the adjoining neighbour in terms of overlooking, visual intrusion or loss of privacy due to the distancing between the buildings and the natural screening.

Highway Issues

Sufficient parking would be retained within the site. The proposal is therefore considered satisfactory in this regard.

CONCLUSION

The proposed outbuilding would be subordinate to the host dwelling and would be sited so as not to have any adverse impact on the privacy of the neighbouring property. The proposal therefore satisfies the criteria of Policies RLP18 and RLP90 of the Adopted Local Plan and Policy LPP38 of the Draft

Local Plan in this regard. It is therefore recommended that planning permission be granted.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Location Plan	Plan Ref: PA-180626-01	
Block Plan	Plan Ref: PA-180626-02	
Existing Plans	Plan Ref: PA-180626-03	
Proposed Floor Plan	Plan Ref: PA-180626-04	
Proposed Elevations	Plan Ref: PA-180626-05	Version: A
Proposed Floor Plan	Plan Ref: PA-180626-04	Version: A
Proposed Elevations	Plan Ref: PA-180626-05	Version: B

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form.

Reason

To ensure that the development does not prejudice the appearance of the locality.

- 4 The building hereby permitted shall not be used unless and until the bathroom window on the west facing elevation has been glazed with obscure glass to a minimum of level 3, with top hung openings only and shall be so retained at all times.

Reason

In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

- 5 The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Newberries House. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

In order to enable the local planning authority to give consideration to any residential use of the property other than as a single dwelling unit.

INFORMATION TO APPLICANT

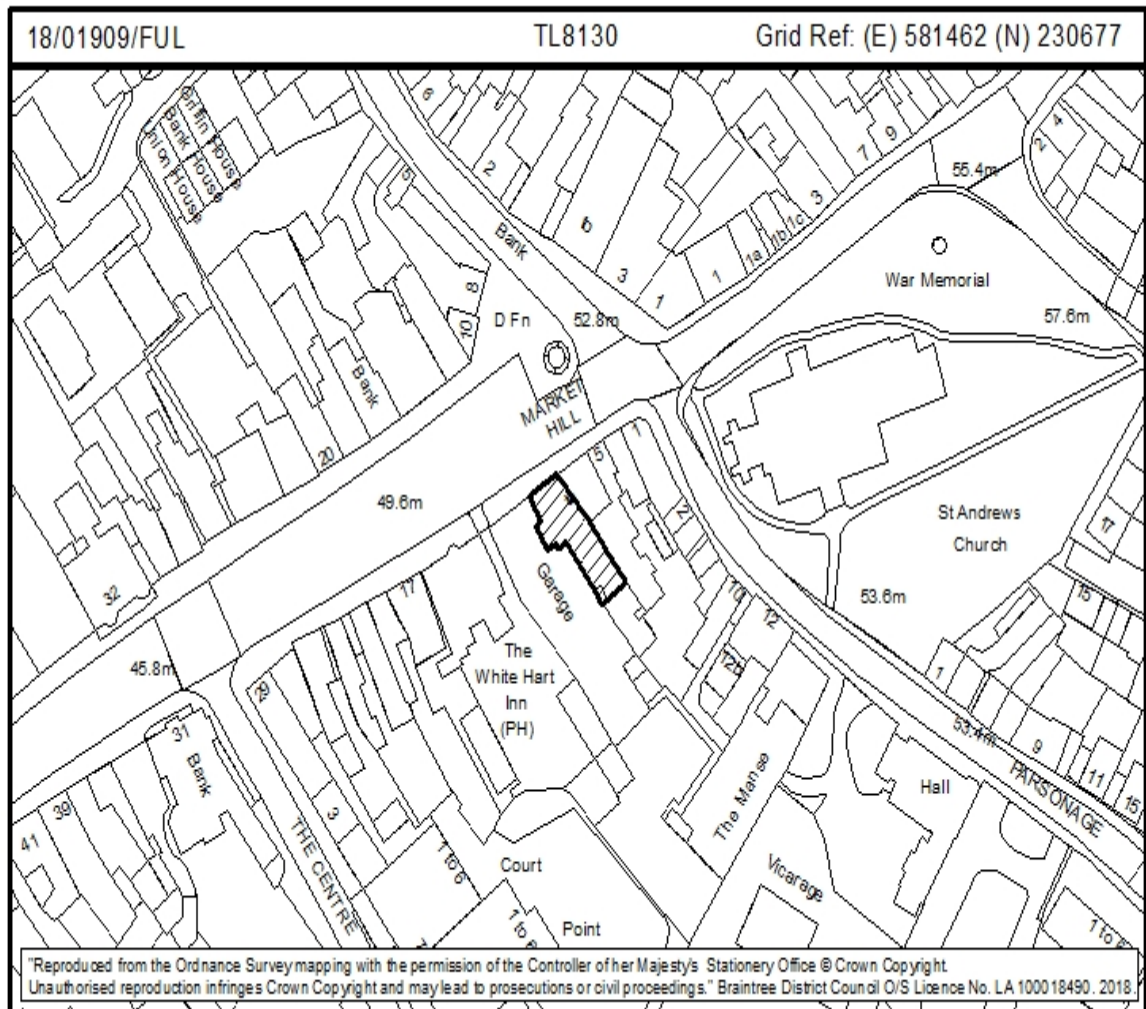
- 1 In respect of Condition 4, the applicant is advised that glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/01909/FUL
 DATE: 24.10.18
 VALID:
 APPLICANT: Ms Jan Clark
 Notemachine UK Ltd, Russell House, Elvicta Business Park, Crickhowell, NP8 1DF, United Kingdom
 DESCRIPTION: Retrospective application for the installation of an ATM installed through glass to the shopfront.
 LOCATION: 9 - 11 High Street, Halstead, Essex, CO9 2AA

For more information about this Application please contact:
 Mrs H Reeve on:- 01376 551414 Ext. 2503
 or by e-mail to: helen.reeve@braintree.gov.uk



SITE HISTORY

82/00001/A	Internally illuminated projecting sign.	Refused	12.02.82
78/01237/P	Installation of new entrance door and erection of display board in entrance lobby.	Granted	23.10.78
78/01238/LB	Installation of new entrance door and erection of display board in entrance lobby.	Granted	23.10.78
88/01963/	Installation of new shopfront	Refused	13.12.88
90/01752/	Proposed removal of 2 no. dormer windows serving only as roof space light	Refused	14.01.91
90/01753/	Proposed removal of 2 no. dormer windows serving only as roof light	Refused	14.01.91
94/01119/COU	Proposed change of use of first floor office accommodation to private residential	Granted	11.11.94
98/00599/LBC	Display of fascia sign and projecting sign	Granted	21.07.98
98/00600/ADV	Display of fascia sign and projecting sign	Granted	21.07.98
08/00443/ADV	Display of externally illuminated shop sign	Refused	23.04.08
09/00640/ADV	Display of externally illuminated shop fascia sign	Granted	23.06.09
18/01910/LBC	Application for the installation of an ATM installed through glass to the shopfront.	Pending Decision	
18/01911/ADV	Integral illumination and screen to the ATM fascia. Internally illuminated Free Cash Withdrawals sign above the ATM.	Pending Decision	

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th

June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of shortcomings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

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National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP108	Fascias and Signs in Conservation Areas
RLP109	Illuminated Signs in Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP59	Illuminated Signs in Conservation Areas

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Halstead Town Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located in a central location, on Halstead High Street, within the town development boundary and Conservation Area.

The site comprises 9 – 11 High Street, a C17 Century, timber framed Grade II Listed Building with a retail unit at ground floor level. The shopfront has a traditional modern appearance with a timber frame and stall risers. The unit is currently occupied by 'Cost Cutter'.

The ATM, the subject of this application, has been installed in the left side of the shop frontage. There are a number of posters and general paraphernalia associated with the shop use within the window display.

PROPOSAL

Planning permission is sought to retain an ATM fascia with internal illumination in the shopfront together with an illuminated sign 'Free Cash Withdrawals' above the ATM.

In addition, given that the host building is a Grade II Listed Building and the development includes an advert, listed building consent and advertisement consent are also being sought (Application reference 18/01910/LBC and 18/01911/ADV refer). These applications have also been reported to Planning Committee for determination.

CONSULTATIONS

Essex County Council Historic Buildings Consultant

A condition should be imposed requiring no illuminated signage to the ATM.

Essex County Council Highways Team

No objection raised.

Halstead Town Council

Objection raised on grounds of illuminated sign in a Conservation Area

Braintree District Council Environmental Health Team

No objection raised.

REPORT

Principle of Development

The development involves a material alteration to the external appearance of a shopfront, namely the installation of an ATM machine which is already in situ. The host building is also a Grade II Listed Building and as such, listed building consent is being sought under application reference 18/0191/LBC. In addition, the ATM machine is also considered as an advert, and accordingly advert consent is also sought under reference 18/01911/ADV. All 3 applications are being presented to Planning Committee; the advertisement consent application can only take account of matters relating to visual amenity and public safety and the listed building consent can only take matters relating to the listed building itself.

The principle of this development is acceptable, subject to policy criteria relating to the siting of the ATM and signage within a listed building, the location within the Conservation Area and the luminance of the sign which is discussed later in this report.

Impact on Significance of Heritage Asset

Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan states that development involving alterations to a listed building will only be permitted if they do not harm the setting, character, structural stability and fabric of the building.

In this respect, the Historic Buildings Consultant has raised no objection to the ATM installation itself, but have a concern relating to the illumination, which is discussed later in this report. The listing description refers to the building having a 'modern' shopfront and therefore the ATM installation has not resulted in the loss of historic fabric and is acceptable in this respect.

Impact on the Character and Appearance of the Conservation Area

Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Local Plan states that the Council will preserve and encourage the enhancement of character and appearance of designated Conservation Areas and their settings.

Policy RLP108 of the Adopted Local Plan and Policy LLP58 of the Draft Local Plan states (inter alia) that lettering and symbols should be in scale with both the building and any board, or structure, on which they are located and they should not detract from the major focal interest of the façade.

Policy RLP109 of the Adopted Local Plan and Policy LPP59 of the Draft Local Plan relates to Illuminated Signs in Conservation Areas and states that wholly illuminated fascia signs, which are badly designed, using high glossed materials and large lettering, out of keeping with the character of the area, or the building on which they are to be displayed, will not be permitted. Well designed and proportioned fascia signs may be considered favourably, depending upon the building and the setting, provided the lettering only is illuminated.

The presence of an ATM facility in a town centre high street is an expected feature and it will also be expected that ATM machines are illuminated; indeed a number of advertisement and listed building applications have been granted for similar such facilities within Braintree District. It would be therefore be unreasonable to require no illumination to this particular ATM. The ATM is not overly prominent within the shopfront, given the extent of posters and general paraphernalia and also taking into account that this is the main shopping street for Halstead, where there is a certain level of general illumination within the area. The ATM is unlikely to be the only light source within the immediate vicinity. Furthermore, given the extent of posters etc within the shop window, it is doubtful that the ATM would be noticeable to passers-by if it were not illuminated.

Impact on Neighbouring Residential Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan requires that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

Whilst the site is within a town centre location there are residential flats above shops in the vicinity. In this respect, BDC Environmental Health have not raised an objection to the proposal and the retention of the ATM and signage is considered acceptable in this respect.

Highway Considerations

The Essex County Council Highways Authority raise no objection to the retention of the ATM from a public safety perspective; it is therefore considered to be acceptable in this respect also.

CONCLUSION

Having assessed the retention of the ATM machine against policy criteria, and taking the town centre location into account, the retention of the ATM machine is found to be acceptable. Whilst the concerns of the Halstead Town Council and the Historic Buildings Consultant are noted, it is not considered that an objection on heritage grounds could be substantiated in this case.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with approved plans:-

APPROVED PLANS

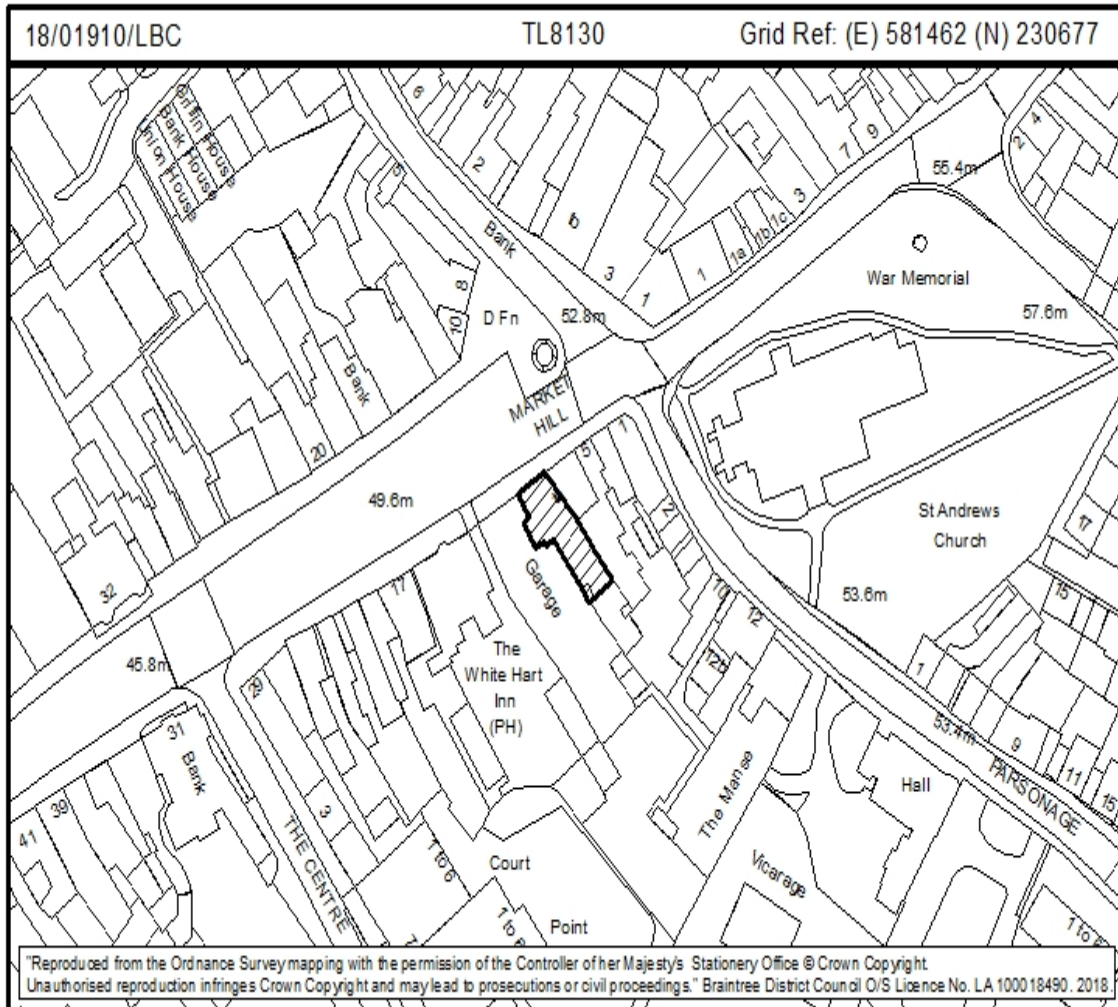
Existing Plans
Proposed Plans
Signage Details
Location Plan

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/01910/LBC
 DATE: 24.10.18
 VALID:
 APPLICANT: Ms Jan Clark
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For more information about this Application please contact:
 Mrs H Reeve on:- 01376 551414 Ext. 2503
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National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP60 Heritage Assets and their Settings

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERATION AT COMMITTEE

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SITE DESCRIPTION

The application site is located in a central location, on Halstead High Street, within the town development boundary and Conservation Area.

The site comprises 9 – 11 High Street, a C17 Century, timber framed Grade II Listed Building with a retail unit at ground floor level. The shopfront has a traditional modern appearance with a timber frame and stall risers. The unit is currently occupied by 'Cost Cutter'.

The building was listed as 9 and 11 High Street on the 16th March 1978 and the Listing description reads as follows:

C17 timber-framed and plastered with modern shop at ground floor. 2 storeys and attics. Roof tiled with flat headed dormer. 2 windows range of double hung sashes with glazing bars. Plaster eaves cornice.

The ATM, the subject of this application has been installed in the left side of the shop frontage. There are a number of posters and general paraphernalia associated with the shop use within the window display.

PROPOSAL

Listed Building Consent is sought to retain an ATM fascia with internal illumination in the shop front together with an illuminated sign 'Free Cash Withdrawals' above the ATM.

In addition, planning permission and advertisement consent are also being sought (Application reference 18/01909/FUL and 18/01911/ADV refer). These applications have also been reported to Planning Committee for determination.

CONSULTATIONS

Essex County Council Historic Buildings Consultant

A condition should be imposed requiring no illuminated signage to the ATM.

REPORT

Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan states that development involving alterations to a listed building will only be permitted if they do not harm the setting, character, structural stability and fabric of the building.

The NPPF (2018) places great weight on the preservation of the significance of heritage assets – the more important the asset, the greater the weight should be. The listed building in question is Grade II. Any harm identified to

the significance of the designated heritage asset should require clear and convincing justification.

In this respect, the Historic Buildings Consultant has raised no objection to the ATM installation itself, neither has any harm been identified, but have a concern relating to the illumination. The listing description refers to the building having a 'modern' shopfront and therefore the ATM installation has not resulted in the loss of historic fabric being acceptable from the Heritage aspect.

In terms of the illumination to the ATM and signage, Officers are aware that similar machines have been granted listed building consent within the district. It would be therefore be unreasonable to require no illumination to this particular ATM.

Officers have concluded that no harm to the heritage asset has been identified by the Historic Buildings Consultant and with no objection to the principle of the installation of the ATM the work is therefore acceptable.

CONCLUSION

Having assessed the retention of the ATM machine and signage against the relevant policy criteria, it is considered acceptable and would not harm the significance of the heritage asset.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with approved plans:-

APPROVED PLANS

Existing Plans
Proposed Plans
Signage Details
Location Plan

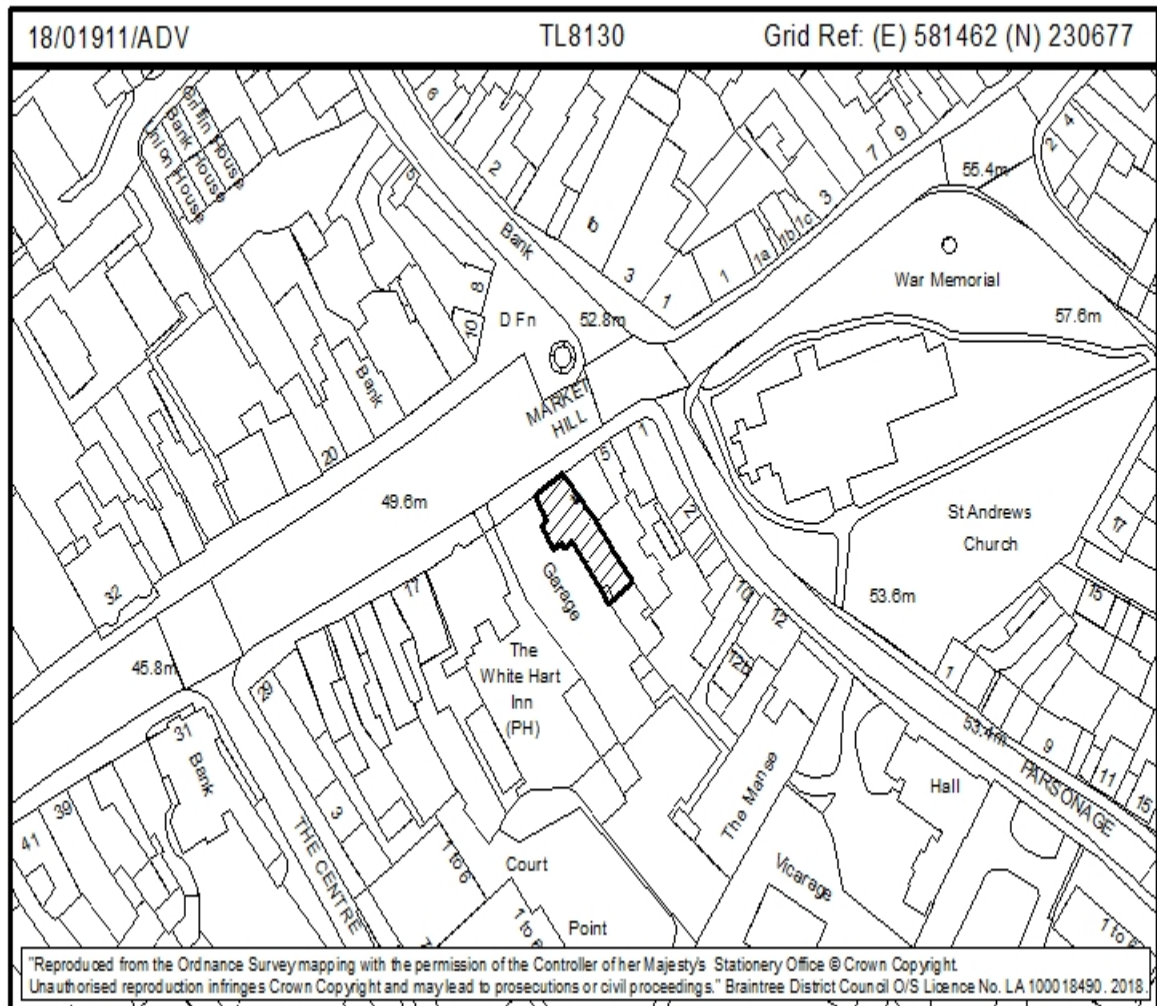
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5h

PART B

APPLICATION NO: 18/01911/ADV
 DATE: 24.10.18
 VALID:
 APPLICANT: Ms Jan Clark
 Notemachine UK Ltd, Russell House, Elvicta Business Park, Crickhowell, NP8 1DF, United Kingdom
 DESCRIPTION: Integral illumination and screen to the ATM fascia. Internally illuminated Free Cash Withdrawals sign above the ATM.
 LOCATION: 9 - 11 High Street, Halstead, Essex, CO9 2AA

For more information about this Application please contact:
 Mrs H Reeve on:- 01376 551414 Ext. 2503
 or by e-mail to: helen.reeve@braintree.gov.uk



SITE HISTORY

82/00001/A	Internally illuminated projecting sign.	Refused	12.02.82
78/01237/P	Installation of new entrance door and erection of display board in entrance lobby.	Granted	23.10.78
78/01238/LB	Installation of new entrance door and erection of display board in entrance lobby.	Granted	23.10.78
88/01963/	Installation of new shopfront	Refused	13.12.88
90/01752/	Proposed removal of 2 no. dormer windows serving only as roof space light	Refused	14.01.91
90/01753/	Proposed removal of 2 no. dormer windows serving only as roof light	Refused	14.01.91
94/01119/COU	Proposed change of use of first floor office accommodation to private residential	Granted	11.11.94
98/00599/LBC	Display of fascia sign and projecting sign	Granted	21.07.98
98/00600/ADV	Display of fascia sign and projecting sign	Granted	21.07.98
08/00443/ADV	Display of externally illuminated shop sign	Refused	23.04.08
09/00640/ADV	Display of externally illuminated shop fascia sign	Granted	23.06.09
18/01909/FUL	Retrospective application for the installation of an ATM installed through glass to the shopfront.	Pending Decision	
18/01910/LBC	Application for the installation of an ATM installed through glass to the shopfront.	Pending Decision	

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th

June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of shortcomings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP108	Fascias and Signs in Conservation Areas
RLP109	Illuminated Signs in Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP59	Illuminated Signs in Conservation Areas

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Halstead Town Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located in a central location, on Halstead High Street, within the town development boundary and Conservation Area.

The site comprises 9 – 11 High Street, a C17 Century, timber framed Grade II Listed Building with a retail unit at ground floor level. The shopfront has a traditional modern appearance with a timber frame and stall risers. The unit is currently occupied by 'Cost Cutter'.

The ATM, the subject of this application, has been installed in the left side of the shop frontage. There are a number of posters and general paraphernalia associated with the shop use within the window display.

PROPOSAL

An application is made under the Town and Country Planning (Control of Advertisement) Regulations 2007 to retain an ATM fascia with internal illumination in the shop front together with an illuminated sign 'Free Cash Withdrawals' above the ATM.

In addition, given that the host building is a Grade II Listed Building and the appearance of the shop frontage is materially altered, listed building consent and planning permission are also being sought (Application references 18/01909/FUL and 18/01910/LBC refer). These applications have also been reported to Planning Committee for determination.

CONSULTATIONS

Essex County Council Historic Buildings Consultant

A condition should be imposed requiring no illuminated signage to the ATM.

Essex County Council Highways Team

No objection raised.

Halstead Town Council

Objection raised on grounds of illuminated sign in a Conservation Area

Braintree District Council Environmental Health Team

No objection raised.

REPORT

Applications for Advertisement Consent are considered under a separate statutory control from other forms of development, known as the Control of Advertisement Regulations 2007. The core principles when considering applications for Advertisement Consent relate to 'amenity' and 'public safety'. No other matters can be considered as relevant and the above mentioned Local Plan policies can only be a material consideration.

Paragraph 3, Part 1 of The Advertising Regulations 2007 requires local planning authorities to assess advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan as far as they are material and any other relevant factors. Factors relating to visual amenity *"include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest"* and factors relevant to public safety include *"the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)"; and whether the display of advertisement in question is likely to obscure or hinder the interpretation of any traffic sign or hinder the operation of any device used for the purpose or security or surveillance or for measuring the speed of any vehicle"*.

The National Planning Policy Framework (NPPF) 2018 provides policy context as to how advertisements should be determined and refers as such in Part 12, para 132 which states that *'the quality and character of places can suffer when advertisements are poorly sited and designed. Adverts should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'*.

In this regard, Policy RLP107 of the Adopted Local Plan reiterates the Advert Regulations, stating that 'The Council will carry out its duties in relation to the Control of Advertisements Regulations, designed to ensure that all relevant issues affecting visual amenity and public safety are taken into account'.

There is no specific policy relating purely to outdoor advertisements in the Draft Local Plan however Policies LPP58 and LPP59 of the Draft Local Plan are relevant to adverts in Conservation Areas.

Amenity

As indicated above, the Advert Regulations state that factors relating to visual amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Policy RLP107 in this respect requires that:

- Advertisement displays should be in close proximity to the activities they are advertising. Non-related or free-standing displays will not be approved;
- The area of display of an advertisement should be visually subordinate to the feature of the building (including fascia boards) on which it is located;
- Particular importance must be paid to the luminance, design and siting of outdoor advertisements in sensitive locations such as urban fringes, countryside and residential areas.

Policies RLP108 and RLP109 of the Adopted Local Plan relating to advertisements in conservation areas state that:

(Policy RLP108 – Fascias and Signs in Conservation Areas)

- (a) Large, or unduly deep, fascias will be discouraged as they tend to assume bold proportions, which detract from the vertical emphasis of historic and other buildings, particularly if applied across more than one frontage without an interval.
- (b) Lettering and symbols should be in scale with both the building and any board, or structure, on which they are located. They should avoid enlarged type faces and cramped spacing. Individual cast metal, or cut out, serif letters are considered appropriate, since they should not detract from the major focal interest of the facade and they have the added advantage of strong definition.
- (c) Dominant, or overpowering, signs and those which appear unnecessary and repetitive will be resisted. In particular, many national identity signs are disruptive to domestic scale and inappropriate for conservation areas. Hanging signs may be acceptable, where fascia signs are inappropriate.
- (d) Any undue proliferation of advertisement displays will be opposed and signs above ground floor level will normally be refused.
- (e) All advertisements should be designed as an integral part of the host building, of a size and design harmonising with the character of the Conservation Area.

(Policy RLP109 Illuminated Signs in Conservation Areas)

- (a) Wholly illuminated fascia signs, which are badly designed, using high glossed materials and large lettering, out of keeping with the character of the area, or the building on which they are to be displayed, will not be permitted. Well designed and proportioned fascia signs may be considered favourably, depending upon the building and the setting, provided the lettering only is illuminated.

- (b) Illuminated projecting box signs, which by reason of their size, siting, design and choice of materials, are out of keeping with the building and character of the area, will not be permitted. Well- designed hanging signs using traditional materials and lettering will be considered on their merits, in relation to the buildings and the setting. Any illumination necessary shall take the form of discreet external lighting.

Policies LPP 58 and LPP59 of the Draft Local Plan largely replicate this stance.

It is appropriate to assess the ATM machine in relation to its impact on the significance of the heritage asset and wider Conservation Area in terms of visual amenity, as the Advert Regulations include the assessment of the general characteristics of the locality, including the presence of any feature of historic or architectural interest.

The Historic Buildings Consultant and Town Council comments are noted relating to the illuminated element of the ATM. Officers have reviewed the comments and it is confirmed that the Historic Buildings Consultant raises no objection to the presence of the ATM machine in this location, the concern relate purely to the illumination. The presence of an ATM in a town centre high street is an expected feature and it is also for ATM machines to be illuminated; indeed a number of advertisement and listed building applications have been granted for similar types of adverts. It would be therefore be unreasonable to require no illumination to this particular ATM. It is not overly prominent within the shopfront, given the extent of posters and general paraphernalia and given this is the main shopping street for Halstead, where there is a certain level of general illumination within the area; the ATM will unlikely be the only light source within the immediate vicinity. The proposal is not considered to be so detrimental to warrant refusal of the application.

Public Safety

As indicated above, the Advertisement Regulations state that factors relating public safety will be assessed in relation to “the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)”; and whether the display of advertisement in question is likely to obscure or hinder the interpretation of any traffic sign or hinder the operation of any device used for the purpose or security or surveillance or for measuring the speed of any vehicle.

RLP107 of the Adopted Local Plan states that issues of public safety, including traffic safety will be accorded a high priority in decision making. The Essex County Council Highways Authority raise no objection to the retention of the ATM from a public safety perspective and the advert is therefore acceptable in this respect.

CONCLUSION

Having assessed the retention of the ATM machine against the Advertisement Regulations and policy criteria within the Development Plan, and taking the town centre location into account, the retention of the ATM machine in terms of visual amenity and public safety is acceptable.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with approved plans:-

APPROVED PLANS

Location Plan
Existing Plans
Proposed Plans
Signage Details

INFORMATION TO APPLICANT

1 Your attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the need to comply with the following:

- (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (ii) No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER